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PART - VII

GOVERNMENT OF MEGHALAYA ORDERS BY THE GOVERNOR

NOTIFICATION

The 17th November, 2005.

No.LL(B)10/2005/158.—The following Acts passed by the Parliament and assent by the President of India and published in the Gazette of India, Extra Ordinary Part II, Section I on the date indicated below is hereby republished for general information.

Sl. No.	Name of Act	Act No. and Year	Date of Publication in the Gazette of India
1.	The Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2005.	No. 19 of 2005	24.5.2005
2.	The Prevention of Money Laundering (Amendment) Act, 2005.	No. 20 of 2005	24.5.2005.
3.	The weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005	No. 21 of 2005	7.6.2005.
4.	The Navy (Amendment) Act, 2005	No. 23 of 2005	23.7.2005.
5.	The Coastal Aquaculture Authority Act, 2005	No. 24 of 2005.	23. 72005.
6.	The Code of Criminal Procedure (Amendment) Act, 2005.	No. 25 of 2005	23.7.2005.
7.	The University of Allahabad Act, 2005.	No. 26 of 2005	23.7.2005

THE GOVERNMENT OF UNION TERRITORIES AND THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI (AMENDMENT) ACT, 2005

An

ACT,

further to amend the Government of Union Territories Act, 1963 and to amend the Government of National

Capital Territory of Delhi act, 1991.

Be it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. This Act may be called the Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2005.

CHAPTER II

AMENDMENTS TO THE GOVERNMENT OF UNION TERRITORIES ACT, 1963

2. In section 3 of the Government of Union Territories Act, 1963 (hereafter in this Chapter referred to as the Union Territories Act), in sub-section (5), in the *Explanation*, in the proviso,—

Short title and
commencement.

(i) for the figures “2000”, the figure “2026” shall substituted;

(ii) for the figure “1971”, the figures “2001” shall be substituted.

Amendment of
section 3.

3. In section 38 of th Union Territories Act, in clause (b), for the words and figures “the Delimitation Commission Act, 1962”, the words and figures “the Delimitation Act, 2002 “ shall be substituted.

20 of 1963

4. In section 43E of the Union Territories Act,—

(i) for the figures “2000”, the figure “2026” shall be substituted;

Amendment of
section 38.

(ii) for the figures “ 1971”, the figures “2001” shall be substituted.

61 of 1962

33 of 2002

CHAPTER IIIAMENDMENTS TO THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY
OF DELHI ACT, 1991

Amendment of
section 43E.

5. In section 3 of the National Capital Territory of Delhi Act, 1991, in the *Explanation*, for the proviso, the following proviso shall be substituted, namely:—

“Provided that the reference in this last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2026 have been published, be construed as a reference to the 2001 census”.

Amendment of
section 3.

THE PREVENTTION OF MONEY-LAUNDERING (AMENDMENT)

1 of 1992.

An

ACT,

to amend the Prevention of Money-laundering Act, 2002.

Be it enacted by Parliament in the Fifty-sixty Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Prevention of Money - laundering (Amendment) Act, 2005.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. In section 2 of the Prevention of Money -laundrying Act, 2002 (hereinafter referred to as the principal Act), after clause (n), the following clause shall be inserted, namely :—

“(na) “investigation” includes all the proceeding under this Act conducted by the Director or by an authority authorised by the Central Government under this Act for the collection of evidence’ ,.

Short title and commencement.

3. In section 28 of the principal Act,—

Amendment of section 2.

(a) in sub -section (1), for the words “High Court”, the words “High Court or is qualified to be judge of the High Court” shall be substituted;

15 of 2003.

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

Amendment of section 28.

“(4) The Chairperson or a Member holding a post as such in any other Tribunal, established under any law for the time being in force, in addition to his being the Chairperson or a Member of that Tribunal, may be appointed as the Chairperson or a Member, as the case may be, of the Appellate Tribunal under this Act”.

4. Section 29 of the principal Act shall be omitted.

5. In section 30 of the principal Act, for the words “terms and condition of service”, at both the places where they occur, the words and brackets “terms and conditions of service (including tenure of office)” shall be substituted.

6. In section 44 of the principal act, in sub-section (1), in clause (b), the words “upon perusal of police report of the facts which contitute an an offence under this Act or “ shall be omitted.

Omission of section 29.

Amendmant of section 30.

7. In section 45 of the principal Act,—

(a) in sub-section (1), for the portion beginning with the words and figures “Notwithstanding anything contained in the Code of Criminal Procedure, 1973” and ending with the words “on his own bond unless —”, the following shall be substituted, namely:—

Amendmant of section 44.

“Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no person accused of an offence punishable for a term of imprisonment of more than three years under Part A of the Schedule shall be released on bail or on his own bond unless—”,

Amendmant of section 45.

(b) after sub-section (1), the following sub-section shall be inserted, namely:-

2 of 1974.

“(1A) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, or any other provision of this Act, no police officer shall investigate into an offence under this Act unless specifically authorised, by

2 of 1974.

the Central Government by a general or special order, and subject to such conditions as may be prescribed”.,

2 of 1974.

(c) in sub-section (2), the words, brackets and letter “clause (b) of” shall be omitted.

8. In section 73 of the principal Act, in sub-section (2),—

(a) after clause (s), for the words “term and conditions of services”, the words and brackets “terms and conditions of services (including tenure of office)” shall be substituted;

2 of 1974.

(b) after clause (u), the following clause shall be inserted, namely:—

“(ua) conditions subject to which a police officer may be authorised to investigate into an offence under sub-section (1A) of section 45”;

Amendment of
section 73.

THE WEAPONS OF MASS DESTRUCTION AND THEIR DELIVERY SYSTEMS (PROHIBITION OF UNLAWFUL ACTIVITIES) 2005

AN

ACT

ARRANGEMENT OF SECTION

SECTION

1. Short title and commencement.
2. Act in addition to other laws.
3. Extent and application.
4. Definitions
5. Power to identify, designate, categories or regulate certain activities.
6. Power to appoint Advisory Committees.
7. Delegation of Powers.
8. Prohibition relating to weapons of mass destruction.
9. Prohibition relating to non-State actor or terrorist.
10. Prohibition as regards intimidating acts.
11. Prohibition on expert.
12. Prohibition on brokering.
13. Regulation of export, transfer, re-transfer, transit and trans -shipment.
14. Offences and penalties.
15. Punishment for aiding non-State actor or terrorist.
16. Punishment for unauthorised export.
17. punishment for violation of other provisions of the Act.
18. Penalty for using false or making forged documents, etc.
19. Punishment for offences with respect to which no provision has been made.
20. Offences by companies.

21. Cognizance of offences.
22. Bar of jurisdiction of civil courts.
23. Effect of other laws.
24. Protection of action taken in good faith.
25. Special provisions as to Central Government.
26. Power to make rules.
27. Power to remove difficulties.

**THE WEAPONS OF MASS DESTRUCTION AND THEIR DELIVERY
SYSTEMS (PROHIBITION OF UNLAWFUL ACTIVITIES) 2005**

AN

ACT

To prohibit unlawful activities, in relation to weapons of mass destruction and their delivery systems and for matters connected therewith or incidental there to.

Where as India determined to safeguard its national security as a Nuclear Weapon State;

AND Whereas India is committed not to transfer nuclear weapons or other nuclear explosive devices, and not in any way to assist, encourage, or induce any other country to manufacture nuclear weapons or other nuclear explosive devices.

AND Whereas India is committed to prevent a non-State actor and a terrorist from acquiring weapons of mass destruction and their delivery systems;

AND Whereas India is committed to the objective of global nuclear disarmament;

AND Whereas India is committed to its obligations as a State Party to the Convention on the Prohibition of the Development, Production, Stockpiling and of Chemical weapons and on their Destruction and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and toxin weapons and on their Destruction;

AND Whereas India is exercising controls over the export of chemicals, organisms, materials, equipment and technologies in relation to weapons of mass destruction and their delivery systems under other relevant Acts;

AND Whereas it is considered necessary to provide for integrated legal measures to exercise controls over the export of materials, equipment and technologies and to prohibit unlawful activities in relation to weapons of mass destruction and their means of delivery.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:-

I. (1) This Act may be called the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

	<p>2. Save as otherwise expressly provided in this, the provisions of this Act shall be in addition to any other relevant Act for the time being in force in relation to any matter covered under this Act.</p>
Short title and commencement.	<p>3. (1) It extends to the whole of India including its Exclusive Economic Zone.</p>
Act in addition to other laws.	<p>(2) Every person shall be liable to punishment under this Act for every act or omission contrary to the provisions thereof, of which he is held guilty in India.</p> <p>(3) Any person who commits an offence beyond India, which is punishable under this Act, shall be dealt with according to the provisions of this Act in the same manner as if such act had been committed in India.</p>
Extent and application.	<p>(4) The provisions of this act shall also apply to –</p> <p>(a) citizens of India outside India;</p> <p>(b) companies or bodies corporate, registered or incorporated in India or having their associates, branches or subsidiaries, outside India;</p> <p>(c) any ship, aircraft or other means of transport registered in india or outside India, wherever it may be;</p> <p>(d) foreigners while in India;</p> <p>(e) persons in the service of the Government of India, within and beyond India.</p> <p>(5) Notwithstanding the applicability of the provisions of any other Central Act relating to any activity provided herein, the provisions of this Act shall apply to export, transfer, re-transfer, transit and trans-shipment of material, equipment or technology of any description as are identified, designated, categorised or considered necessary by the Central Government, as pertinent or relevant to India as a Nuclear weapon State, or to the national security of India, or to the furtherance of its foreign policy or its international obligations under any bilateral, multilateral or international treaty, Covenant, Convention or arrangement relating to weapons of mass destruction or their means of delivery, to which India is a Party.</p>
	<p>4. In this Act, unless the context otherwise requires,–</p> <p>(a) “biological weapon” are–</p> <p>(i) microbial or other biological agents, or toxins whatever their origin or method of production , of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes; and</p> <p>(ii) weapons, equipment or delivery systems specially designed to use such agents or toxins for hostile purposes or in armed conflict;</p>
Definitions	<p>(b) “brought in transit” means to bring goods from any country into India by land, air, or amphibious means of transportation, where the goods are to</p>

be taken out from India on the same conveyance on which they are brought into India without any landing in India, but does not include a conveyance in innocent passage through Indian territory, Indian territorial waters or Indian airspace of a foreign conveyance carrying goods.

Explanation I.—A conveyance is a foreign conveyance if it is not registered in India.

Explanation II.—A conveyance is in “innocent passage” if it is not engaged in relevant activity and passes through or above Indian territorial waters or airspace without stopping or anchoring in India;

(c) “chemical weapons” means,—

(i) the toxic chemicals and their precursors, except where intended for—

(a) industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;

(b) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

(c) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; or

(d) law enforcement including domestic riot control purposes; as long as the types and quantities are consistent with such purposes;

(ii) the munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in sub-clause (i), which would be released as a result of the employment of such munitions and devices; and

(iii) any equipment specially designed for use directly in connection with the employment of munitions and devices specified in sub-clause (ii), together or separately;

(d) “export” shall have the meaning assigned to this expression in the Foreign Trade (Development and Regulation) Act, 1992;

(e) “fissile material” and “radioactive material” shall have the meanings assigned to these expressions in the Atomic Energy Act, 1962;

(f) “item” means materials, equipment, and technology, of any description, notified under this Act or any other Act related to relevant activity;

(g) “non-State actor” is a person or entity not acting under the lawful authority of any country;

22 of 1992

(h) “nuclear weapon or other explosive device” means any nuclear weapon or other nuclear explosive device as may be determined by the Central Government, whose determination in the matter shall be final;

33 of 1962

(i) “public domain” means domain that has no restrictions upon dissemination of information within or from it; the existence of any legal rights to intellectual property in that information does not remove such information from being in public domain;

(j) "relevant activity" means,—

(i) the development, production, handling, operation, maintenance, storage or dissemination of a nuclear, chemical or biological weapon; or

(ii) the development, production, maintenance, storage or dissemination of missiles specially designed for delivering any such weapon;

(k) "re-transfer" means transfer of any item notified under this Act from any country or entity to which it has been exported from India, to yet another country or entity;

(l) "technology" means any information (including information embodied in software) other than information in the public domain, that is capable of being used in—

(i) the development, production or use of any goods or software;

(ii) the development of, or the carrying out of, an industrial or commercial activity or the provision of a service of any kind.

Explanation—When technology is described wholly or partly by reference to the uses to which it (or the goods to which it relates) may be put, it shall include services which are provided or used, or which are capable of being used, in the development, production or use of such technology or goods;

(m) "terrorist" shall have the meaning assigned to this expression in the Unlawful Activities (Prevention) Act, 1967;

(n) "trans-shipment" means to remove goods from the conveyance on which they were brought into India and to place the goods on the same or another conveyance for the purpose of taking them out of India, where these acts are carried out on a "through bill of landing", "through airway bill" or "through manifest".

Explanation—"through bill of landing", "through airway bill" and "through manifest" means respectively a bill of landing, airway bill and manifest, for the consignment of goods from a place outside India to a destination which is also outside India without a consignee in India;

37 of 1967.

(o) "unlawful" means without the authority of the Central Government and the expression "unlawfully" shall be construed accordingly;

(p) "weapon of mass destruction" means any biological, chemical or nuclear weapons.

5. (1) The Central Government may identify, designate, categorise or regulate, the export, transfer, re-transfer, trans-shipment, or transit of any item related to relevant activity in such manner as may be prescribed.

(2) The Central Government may, by order published in the Official Gazette, designate or notify any item related to relevant activity for the purposes of this Act.

6. For the purposes of this Act, the Central Government may appoint such Advisory Committees as it deems fit, and may appoint to them persons to exercise such powers and perform such duties as the Central Government may, by rules, prescribe.

7. (1) Subject to the provisions of this Act and any other law for the time being in force, related to relevant activity, the Central Government shall have the power to direct or assign to any authority, in such manner as it may

Power to
identify, designate,
categorise or
regulate certain
activities.

Power to appoint
Advisory Commit-
tees.

deem appropriate, such powers as may be necessary to implement the provisions of this Act.

Delegation of
powers.

(2) The Central Government may appoint a Licensing Authority and an Appellate Authority and make provisions relating to such authority and for licensing in such manner and in such form, as the Central Government may, by rules prescribe.

(3) Without prejudice to the generality of the provisions contained in this Act, the authorities and mechanisms provided under other relevant Acts shall continue to deal with matters covered under those Acts.

Provided that in case of any doubt as to whether a matter falls within the scope of such relevant Acts or under this Act, the decision of the Central Government thereon shall be final.

8. (1) No person shall unlawfully manufacture, acquire, possess, develop or transport a nuclear weapon or other nuclear explosive device and their means of delivery.

(2) No person shall unlawfully transfer, directly or indirectly to any one a nuclear weapon or other nuclear explosive device, or transfer control over such a weapon, knowing it to be a nuclear weapon or other nuclear explosive device.

(3) No person shall unlawfully manufacture, acquire, possess, develop, or transport a biological or chemical weapon or their means of delivery.

Prohibition relating
to weapons of
mass destruction.

(4) No person shall unlawfully transfer, directly or indirectly, to any one biological or chemical weapons.

(5) No person shall unlawfully transfer, directly, or indirectly, to any one missiles specially designed for the delivery of weapons of mass destruction.

9. No person shall, directly or indirectly, transfer to a non-State actor or terrorist, any material, equipment and technology notified under this Act or any other Act related to relevant activity:

Provided that such transfer made to a non-State actor shall not include a transfer made as such to any person acting under lawful authority in India.

10. No person shall transfer, acquire, possess, or transport fissile or radioactive material, which is intended to be used to cause, or in a threat to cause, death or serious injury or damage to property for the purpose of intimidating people or a section of the people in India or in any foreign country, or compelling the Government of India or the Government of a foreign country or an international organisation or any other person to do so or abstain from doing any act.

Prohibition relating
to non-state actor
or terrorist.

11. No person shall export any material, equipment or technology knowing that such material, equipment or technology is intended to be used in the design or manufacture of a biological weapon, chemical weapon, nuclear weapon or other nuclear explosive device, or in their missile delivery systems.

Prohibition as
regards intimidating
acts.

12. No person who is a residence in India shall, for a consideration under the terms of an actual or implied contract, knowingly facilitate the execution of

any transaction which is prohibited or regulated under this Act:

Prohibition on export.

Provided that a mere carriage, without knowledge, of persons, goods or technology, or provision of services, including by a public or private carrier of goods, carrier, telecommunication, postal service provider or financial service provider, shall not be an offence for the purposes of this section.

Prohibition on brokering

13. (1) No item notified under this Act shall be exported, transferred, re-transferred, brought in transit or transhipped except in accordance with the provisions of this Act or any other relevant Act.

(2) Any transfer of technology of an item whose export is prohibited under this Act or any other relevant Act relating to relevant activity shall be prohibited.

Regulation of export, transfer,

(3) When any technology is notified under this Act or any other relevant Act, as being subject to transfer controls, the transfer of such technology shall be restricted to the extent notified thereunder.

re-transfer, transit and transshipment.

Explanation.—The transfer of technology may take place through either or both of the following modes of transfer, namely:—

(a) by a person or from a place within India to a person or place outside India;

(b) by a person or from a place outside India to a person, or place which is also outside India (but only where the transfer is by, or within the control of, person, who is a citizen of India, or any person who is resident in India).

(4) The Central Government may notify any item as being subject to the provisions of this Act, whether or not it is covered under any other relevant Act; and when such item is exhibited, sold, supplied or transferred to any foreign entity or a foreigner who is resident, operating, visiting, studying, or conducting research or business within the territorial limits of India, or in its airspace or Exclusive Economic Zone, it shall constitute an offence.

14. Any person who contravenes, or attempts to contravenes, or abets, the provisions of section 8 or section 10 of this Act, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.

Offence and penalties.

15. (1) any person who, with intent to aid non-State actor or terrorist, contravenes the provisions of section 9 of this Act, shall punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.

Punishment for aiding non-State actor or terrorist.

(2) Any person who, with intent to aid any non-State actor or terrorist, attempts to contravene or abets, or does any act preparatory to contravention of sub-section (1), shall be deemed to have contravened that provision of sub-section (1) shall apply subject to the modification that the reference to "imprisonment for life" therein shall be construed as a reference to "imprisonment for ten years".

(3) While determining the punishment under this section, the court shall take into consideration whether the accused had the knowledge about the transferee being a non-State actor or not.

16. (1) Any person who knowingly contravenes, abets or attempts to contravene, the provisions of sub-section (4) of section 13 of this Act, shall be punishable with fine which shall not be less than three lakh rupees and which may extend to twenty lakh rupees.

Punishment for
unauthorised
export.

(2) If any person is again convicted of the same offence under sub-section (1), then he shall be punishable for the second and every subsequent offence with imprisonment for a term which shall not be less than one year but which may extend to six months but which may extend to five years and shall also be liable to fine.

17. (1) Where any person contravenes, or abets or attempts to contravene, any provision of this Act other than the provisions under sections 8, 9, 10 and sub-section (4) of section 13 of this Act, he shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and shall also be liable to fine.

Punishment for
violation of other
provisions of the
Act.

(2) if any person is again convicted of the same offence under sub-section (1), then he shall be punishable for the second and every subsequent offence with imprisonment for a term which shall not be less than one year but which may extend to seven years and also liable to fine.

18. Where any person signs or uses, or cause to be signed or used, any declaration, statement or document submitted to the competent authority knowing or having reason to believe that such declaration, statement or document is forged or tampered with or is false in any material particular, and relates to item notified under this Act or any other relevant Act, including those related to relevant activity, he shall be punishable with fine which shall not be less than five lakh rupees or five times the value of the materials, equipment, technology or services, whichever is more.

Penalty for using
false or making
forged documents,
ect.

19. Whoever contravenes any other provision of this Act or any rule or order made thereunder for which no specific punishment is provided, shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

20. (1) where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Punishment for
offence with
respect to which
no provision has
been made.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

Offences by
companies.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) “company” means any body corporate and includes a firm and other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

21. No court shall take cognizance of any offence under this Act without the previous sanction of the Central Government or any officer authorised by the Central Government in this behalf.

22. No action or proceedings taken under section 5 and sub-sections (1) and (2) of section 7 of this Act by the Central Government or any officer authorised by it in this behalf shall be called in question in any civil court in any suit or application or by way of appeal or revision, and no injunction shall be granted by any civil court or other authority in respect of any action taken or to be taken in pursuance of any power conferred under those provisions.

Cognizance of offences.

23. (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any other instrument having effect by virtue of any enactment other than this Act.

Bar of jurisdiction of civil courts.

(2) Where any act or omission constitutes an offence punishable under this Act and also under any other relevant Act, then the offender found guilty of such offence shall be liable to be punished under that Act which imposes a greater punishment.

Effect of other laws.

24. No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer or authority of the Central Government or any other authority on whom powers have been conferred pursuant to this Act, for anything which is in good faith done or purported to be done in pursuance of this Act or any rule or order made thereunder.

25. Nothing in this Act shall effect the activities of the Central Government in the discharge of its functions relating to the security or the defence of India.

Protection of action taken in good faith.

26. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

Special provisions as to Central Government

(a) Manner of regulating any item related to relevant activity under sub-section (1) of section 5;

(b) appointment of Advisory Committees, their powers and duties under section 6;

Power to make rules

(c) appointment of Licensing and Appellate Authority and the manner of licensing under sub-section (2) of section 7; and

(d) any other matter which has to be, or may be prescribed.

(3) Every rule made under this act shall be laid, as soon as may be

after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

27. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Power to remove
difficulties.

THE NAVY (AMENDMENT) ACT 2005

An

Act

Further to amend the Navy Act, 1957.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:-

62 of 1957.

1. This Act may be called the Navy (Amendment), Act, 2005.

Short title.

2. In section 3 of the Navy Act, (hereinafter referred to as the principal Act), for clause (16), the following clause shall be substituted, namely:-

Amendment of section 3.

‘(16) “Officer” means a commissioned officer and includes—

(a) a subordinate officer other than a petty officer;

(b) a commissioned officer re-employed as such’;

Amendment of section 79.

3. In section 79 of the principal Act, for the words “Provided further that”, the following shall be substituted, namely:-

“Provided further that in computation of the said period of three years, any time during which,—

(a) the commission of the offence was not known to the person aggrieved by the offence or to the authority competent to initiate action, the first day on which such offence comes to the knowledge of such person or authority, whichever is earlier;

(b) it was not known by whom the offence was committed, the first day on which the identity of the offender is known to be person aggrieved by the offence or to the authority investigating into the offence, whichever is earlier, shall be excluded:

Provided also that the institution of the prosecution in respect of an offence has been stayed by an injunction or order, then, in computing the said period of three years, the period of the continuance of the injunction or order, the day on which it was issued or made and the day on which it was withdrawn shall be excluded:

Provided also that”.

Amendment of section 94.

4. In section 94 of the principal Act, for sub-sections (1), (2), (2A) and (3), the following sub-section shall respectively be substituted, namely:-

“(1) The Central Government may impose on any officer below the rank of commander one or more of the following punishments, namely:-

(a) forfeiture of seniority in rank of not more than twelve months;

(b) forfeiture of time for promotion of not more than twelve months;

(c) mulcts of pay and allowances.

(2) The Chief of the Naval Staff may impose on any officer below the rank of commander one or more of the following punishments, namely:—

- (a) forfeiture of seniority in rank of not more than six months;
- (b) forfeiture of time for promotion of not more than six months;
- (c) mulcts of pay and allowances.

(2A) The Flag Officer Commanding-in-Chief of a naval command may, subject to regulations made under this Act, impose on any officer below the rank of commander one or more of the following punishments, namely:—

- (a) forfeiture of seniority in rank of not more than three months;
- (b) forfeiture of time for promotion of not more than three months;
- (c) severe reprimand or reprimand;
- (d) mulcts of pay and allowances.

(3) The commanding officer of a ship may, subject to regulations made under this Act, impose on any subordinate officer one or more of the following punishments, namely:—

- (a) forfeiture of seniority in rank of not more than three months;
- (b) forfeiture of time for promotion of not more than three months;
- (c) mulcts of pay and allowances.”

Amendment of
section 133.

5. In section 133 of the principal Act, for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) any document purporting to be a report, under the hand of—

(a) any Chemical Examiner or Assistant Chemical Examiner to the Government;

(b) the Chief Inspector of Explosives;

(c) the Director of Finger Print Bureau;

(d) the Director of Haffkeine Institute, Bombay;

(e) the Director, Deputy Director or Assistant Director of a Central Forensic Science Laboratory or a State Forensic Science Laboratory;

(f) the Serologist to the Government,

Upon any matter or thing duly submitted to him for examination or analysis, may be used as evidence in any proceeding under this Act,”

6. In section 151 of the principal Act,—

(a) in sub-section (1), for the word, brackets and figure “sub-section (2)” the words, brackets and figures “sub-sections (2) and (3)” shall be substituted;

Amendment of
section 151.

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Whenever any offender is sentenced by a court-martial to a term of imprisonment, in pursuance of this Act, not being imprisonment in default of payment of fine, the period spent by him in civil or naval custody during investigation, inquiry or trial of the same case, and before the date of order of such sentence, shall be set off against the terms of imprisonment imposed upon him, and the liability of such offender to undergo imprisonment on such order of sentence shall be restricted to the remainder, if any, of the term of imprisonment imposed upon him”.

7. In section 163 of the principal Act, in sub-section (1), clause (e) shall be omitted.

Amendment of section 163.

8. After section 163 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 163A.

“163A. Where any person is tried under the provisions of this Act, the Central Government or the Chief of the Naval Staff or the Flag Officers Commanding-in-Chief of the naval Commands may in the case of conviction either with or without conditions release the person on parole”.

Provision relating to parole.

9. In section 176 of the principal Act, in clause (b), for the words “ten thousand rupees in value”, the words “the prescribed amount not exceeding rupees one lakh in value” shall be substituted.

Amendment of section 176.

10. In section 184 of the principal Act, in sub-section (2), after clause (q), the following clause shall be inserted, namely:—

Amendment of section 184.

“(qa) the amount required to be prescribed under clause (b) of section 176”,.

11. Chapter XXII of the principal Act and the heading relating there to shall be omitted.

Omission of Chapter XXII

THE COASTAL AQUACULTURE AUTHORITY 2005 ACT

ARRANGEMENT OF SECTION

CHAPTER I**PRELIMINARY****Section**

1. Short title and commencement.
2. Definitions.

CHAPTER II**GENERAL POWERS OF CENTRAL GOVERNMENT**

3. Powers of Central Government to take measures to protect environment.
4. Establishment of Authority and appointment of Chairperson and members.
5. Disqualifications for appointment as member.
6. Eligibility of member for reappointment.
7. Meetings of Authority.
8. Vacancy in Authority not to invalidate proceeding.
9. Appointment of officer, consultants and other employees of Authority.
10. Authentication of orders and other instruments of Authority.

CHAPTER IV**POWER AND FUNCTIONS OF AUTHORITY**

11. Functions of Authority.
12. Power to enter.
13. Registration for coastal aquaculture.
14. Punishment for carrying on coastal aquaculture without registration.
15. Cognizance of offence.

CHAPTER V**FINANCE, ACCOUNT AND AUDIT**

16. Payment to Authority.
17. Fund of Authority.
18. Budget.
19. Annual report.
20. Accounts and audit.

CHAPTER VI

MISCELLANEOUS

21. Chairperson and other members, officers and other employees of Authority, etc. to be public servants.
22. Protection of action taken in good faith
23. Power to remove difficulties.
24. Power of Central Government to make rules.
25. Power of Authority to make regulations.
26. Rules and regulations to be laid before Parliament.
27. Validation.

THE COASTAL AQUACULTURE AUTHORITY ACT 2005**AN****ACT**

to provide for the establishment of a Coastal Aquaculture Authority for regulating the activities connected with coastal aquaculture in the coastal areas and for matters connected therewith incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Coastal Aquaculture Authority Act, 2005.

Short title and
commencement.

(2) Provisions of section 27 shall come in force at once and the remaining provisions of this Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. (1) In this Act, unless the context otherwise requires,—

Definitions

(a) “Authority” means the coastal Aquaculture Authority established under sub-section (1) of section 4;

(b) “Chairperson” means the Chairperson of the Authority;

(c) “coastal aquaculture” means culturing, under controlled conditions in ponds, pens enclosures or otherwise, in coastal areas, of shrimp, prawn, fish or any other aquatic life in saline or brackish water; but does not include fresh water aquaculture;

(d) “coastal area” means the area declared as the Coastal Regulation Zone, for the time being in the notification of the Government of India in the Ministry of Environment and Forests (Department of Environment, Forests and Wildlife) No.S.O. 114(E), dated the 19th February, 1991 and includes such other areas as the Central Government may, by notification in the Official Gazette specify;

(e) “member” means the member of the Authority appointed under sub-section (3) of section 4 includes the Chairperson and the member-secretary;

(f) “prescribed” means prescribed by rules made under this Act;

(g) “regulations” means the regulations made by the Authority under this Act.

(2) Words and expressions used herein and not defined in the Environment (Protection) Act, 1986 shall have the meanings respectively assigned to them in that Act.

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CHAPTER II

GENERAL POWERS OF CENTRAL GOVERNMENT

Power of central
Government to take
measures to
protect environment

3. The Central Government shall take all such measures as it deems necessary or expedient for regulation of coastal aquaculture by prescribing guidelines, to ensure that coastal aquaculture does not cause any detriment

to the coastal environment and the concept of responsible coastal aquaculture contained in such guidelines shall be followed in regulating the coastal aquaculture activities to protect the livelihood of various sections of the people living in the coastal areas.

CHAPTER III

The Coastal Aquaculture Authority

Establishment of Authority and appointment of Chairperson and members.

4. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall establish for the purposes of this Act an Authority to be called Coastal Aquaculture Authority.

(2) The head office of the Authority shall be at such place as the Central Government may decide.

(3) The Authority shall consist of the following members who shall be appointed by the Central Government, namely:—

(a) The Chairperson who is, or has been, a Judge of a High Court;

(b) one member who is an expert in the field of coastal aquaculture;

(c) one member who is an expert in the field of coastal ecology nominated by the Department of Ocean Development of the Central Government;

(d) One member who is an expert in the field of environment protection or pollution control nominated by the Ministry of Environment and Forests of the Central Government;

(e) one member to represent the ministry of Agriculture of the Central Government;

(f) one member to represent the Ministry of Commerce of the Central Government;

(g) four members to represent the coastal state on rotation basis;

(h) one member-secretary.

(4) The term of office of the Chairperson and every other member shall be three years.

(5) The salaries and allowances payable to and the other terms and conditions of services of, the members shall be such as may be prescribed.

5. A person shall be disqualified for being appointment as a member if he —

(a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or

(b) is an undischarged insolvent; or

(c) is of unsound mind and stands so declared by a competent court; or

(d) has been removed or dismissed from the service of the Government or a Corporation owned or controlled by the Government; or

Disqualification for appointment as members.

(e) has, in the opinion of the Central Government, such financial or other interest in the Authority as is likely to affect prejudicially the discharge by him of his functions as a member.

6. Subject to sub-section (5) of section 4, any person ceasing to be a member shall be eligible for re-appointment as such member for not more than two consecutive terms.

Eligibility of member for reappointment.

7. (1) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum thereat) as may be specified by regulations.

Meetings of Authority.

(2) If for any reason the Chairperson is unable to attend any meeting of the Authority any other member chosen by the members present at the meeting shall preside at the meeting.

(3) All questions which come up before any meeting of the Authority shall be decided by a majority of votes of the members present and voting and in the event of an equality of votes, the Chairperson or in his absence the person presiding, shall have and exercise a second or casting vote.

8. No act or proceeding of the Authority shall be invalidated merely by reason of –

Vacancy in Authority not to invalidate proceeding.

(a) any vacancy in, or any defect in the constitution of, the Authority; or

(b) any defect in the appointment of a person acting as a member of the Authority; or

(c) any irregularity in the procedure adopted by the Authority not affecting the merits of the case.

9. (1) For the purposes of discharging its functions, the Authority shall appoint such member of Officers and other employees as it may consider necessary on such terms and conditions as may be specified by the regulations.

Appointment of Officers, consultants and other employees of Authority.

(2) The Authority may appoint, from time to time, any person as adviser or consultant as it may consider necessary on such terms and conditions as may be specified by the regulations.

10. All orders, decisions and other instruments of the Authority shall be authenticated under the signature of the Chairperson or any other member or any Officer of the Authority authorised by the Chairperson in this behalf.

Authentication of orders and other instruments of Authority.

CHAPTER IV

Powers and functions of Authority

Functions of Authority

11. (1) Subject to any guidelines issued by the Central Government under section 3, the Authority shall exercise the following powers and perform the following functions, namely : –

(a) to make regulations for the construction and operation of aquaculture farms within the coastal areas;

(b) to inspect coastal aquaculture farms with a view to ascertaining their environmental impact by coastal aquaculture;

(c) to register coastal aquaculture farms;

(d) to order removal or demolition of any coastal aquaculture farms which is causing pollution after hearing the occupier of the farm; and

(e) to perform such other functions as may be prescribed.

(2) Where the Authority orders removal or demolition of any coastal aquaculture farm under clause (d) of sub-section (1), the workers of the said farm shall be paid such compensation as may be settled between the workers and the management through an Authority consisting of one person only to be appointed by the Authority and such authority may exercise such powers of a District Magistrate for such purpose, as may be prescribed.

Power to enter.

12. Subject to any rule made in this behalf, any person generally or specially authorised by the Authority in this behalf, may, wherever it is necessary to do so for any purposes of this Act, at all reasonable times, enter on any coastal aquaculture land, pond, pen or enclosure and –

(a) make any inspection, survey, measurement, valuation or inquiry;

(b) remove or demolish any structure therein; and

(c) do such other acts or things as may be prescribed;

Provided that no such person shall enter on any coastal aquaculture land, pond, pen or enclosure without giving the occupier of such aquaculture land, pond, pen or enclosure at least twenty-four hours' notice in writing of his intention to do so.

13. (1) Save as otherwise in this section, no person shall carry on, or cause to be carried on, coastal aquaculture in coastal area or traditional coastal aquaculture in the traditional coastal aquaculture farm which lies within the Coastal Regulation Zone referred to in sub-section (9) and is not used for coastal aquaculture purposes on the appointment day unless he has registered his farm with the Authority under sub-section (5) or in pursuance of sub-section (9), as the case, may be.

(2) Notwithstanding any thing contained in sub-section (1), a person engaged in coastal aquaculture, immediately before the appointment day, may continue to carry on such activity without such registration for a period of three months from that day and if he makes an application for such registration under sub-section (4) within the said period of three months, till the communication to him of the disposing of such application by the Authority.

(3) The registration made under sub-section (5) or in pursuance of sub-section (9) –

(a) shall be valid for a period of five years;

(b) may be renewed from time to time for a like period; and

(c) shall be in such form and shall be subject to such conditions as may be specified by the regulations.

(4) A person who tends to carry on coastal aquaculture shall make an application for registration of his farm before the Authority in such form accompanied with such fees as may be prescribed for purpose of registration under sub-section (5).

(5) On receipt of an application for registration of a farm under sub-section (4), the Authority shall consider the application in the prescribed manner and after considering the application either register the farm or reject the application;

Provided that the Authority shall not reject the application without recording the reason for such rejection.

(6) The Authority shall, after registering a farm under sub-section (5), issue a certificate of registration in the prescribed form to the person who has made the application for such registration.

(7) In the case of a farm comprising more than two hectares of water spread area, no application for registration to commence any activity connected with coastal aquaculture shall be considered under sub-section (5) unless the Authority, after making such inquiry as it thinks fit, is satisfied that registration of such farm shall not be detrimental to the coastal environment.

(8) Notwithstanding anything contained in this section, –

(a) no coastal aquaculture shall be carried on in creeks, rivers and backwaters within the Coastal Regulation Zone declared for the time being under the Environment (Protection) Act, 1986;

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Provided that nothing in this sub-section shall apply in the case of a coastal aquaculture farm which is in existence on the appointment day and to the non-commercial and experimental coastal aquaculture farms operated or proposed by any research institute of the Government or funded by the Government.

Provided further that the Authority may, for the purposes of providing exemption under the first proviso, review from time to time the existence and activities of the coastal aquaculture farms and the provisions of this section shall apply on coastal aquaculture farms in view of such review.

Explanation. – For the purposed of this sub-section, “High Tide Line” means the line on the land up to which the highest water line reaches during the spring tide.

(9) Notwithstanding anything contained in this section, any traditional coastal aquaculture farm which lies within the Coastal Regulation Zone declared by the notification of the Government of India in the Ministry of Environment and Forests (Department of Environment, Forests and Wildlife) No. S.O. 114(E), dated the 19th February, 1991 and is not used for coastal aquaculture purposes on the appointed day shall be registered under sub-section (5) by producing before the Authority, by the person who is the owner of such farm, the documentary proof of such person after such registration does not utilised such farm, within one year, for coastal aquaculture purposes, the registration shall be cancelled by the Authority.

(10). A person, who intends to renew the registration of a farm made under sub-section (5) or in pursuance of sub-section (9), may make an application within two months before the expiry of such registration to the Authority in the prescribed form accompanied with the prescribed fees and the Authority shall, after receiving such application, renew the registration and for such purpose make an entry with its seal on the registration certificate relating to such form issued under sub-section (6).

(11) The Authority may refuse to renew the registration of a farm under sub-section (10) if the Authority is satisfied that the person to whom such registration is made has failed to utilise such farm for aquaculture purposes or without any reasonable cause has violated any provision of this Act or the rules or regulations made thereunder or any direction or order made by the Authority in pursuance of section 11 :

Provided that such refusal to renew the registration shall not be made without providing such person an opportunity of being heard.

Explanation 1.—For the purposes of this section, “appointed day” means the date of establishment of the Authority.

Explanation 2.—For the removal of doubts, it is hereby declared that the expression “to renew the registration” used in sub-sections (10) and (11) shall be constructed to include further renewal of the registration.

Punishment for carrying on coastal aquaculture without registration.

14. If any person carries on coastal aquaculture or traditional coastal aquaculture or causes the coastal aquaculture or traditional coastal aquaculture to be carried on in contravention of sub-section (1) of section 13, he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to one lakh rupees, or with both.

Cognizance of Offence,

15. No court shall take cognizance of an offence under section 14 without a written complaint filed by an Officer of the Authority authorised in this behalf by it.

CHAPTER V

FINANCE ACCOUNTS AND AUDIT

Payment to Authority.

16. The Central Government may, after due appropriation made by Parliament, by law, in this behalf, pay to the Authority in each financial year such sums as may be considered necessary for the performance of functions of the Authority under this Act.

17. (1) The Authority shall have its own fund and all sums which may, from time to time, be paid to it by the Central Government and all the receipts of the Authority (including any sum which any State Government or any other authority or person may hand over to the Authority) shall be credited to the fund and all payments by the Authority shall be made therefrom.

(2) All moneys belonging to the fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the Central Government, be decided by the Authority.

(3) The Authority may spend such sums as it thinks fit for performing its functions under this Act, and such sums be treated as expenditure payable out of the fund of the Authority.

18. The Authority shall prepare, in such form and at time each year as may be prescribed, a budget, in respect of the financial year next ensuing, showing the estimated receipts and expenditure and copies thereof shall be forwarded to the Central Government.

19. The Authority shall prepare once in every calendar year, in such form and at such time as may be prescribed an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

20. (1) The Authority shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed.

(2) The Authority shall, as soon as may be, after closing its annual accounts, prepare a statement of accounts in such form, and forward the same to the Comptroller and Auditor-General of India by such date, as the Central Government may, in consultations with the Comptroller and Auditor-General of India, determine.

(3) The accounts of the Authority shall be audited by the Comptroller and Auditor-General of India or any person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

CHAPTER VI

MISCELLANEOUS

45 of 1860.

21. The Chairperson and other members and the Officers and other employees of the Authority and the authority appointed by the Authority shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Chairperson and other members, Officers and other employees of Authority, etc., to be public servants.

22. No suit, prosecution or other legal proceeding shall lie against the Central Government or the Authority or the Chairperson and other members of the Authority or the authority appointed by the Authority or any person authorised by the Authority or any officer authorised by the Chairperson for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or regulation or order made thereunder.

Protection of action taken in good faith.

23. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty;

Power to remove difficulties.

Provided that no such order shall be made after the expiry of the period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

24. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

Power of Central Government to make rules.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

(a) the guidelines under section 3;

(b) the salaries and allowances payable to, and the other terms and conditions of service of, the members under sub-section (5) of section 4;

(c) the other functions of the Authority under clause (e) of sub-section (1) of section 11;

(d) the powers of a District Magistrate to be exercised by the authority under sub-section (2) of section 11;

(e) the rules subject to which any person referred to in section 12 may enter upon any coastal aquaculture land, pond, pen, or enclosure under that section;

(f) the other acts or things under clause (c) of section 12;

(g) the form of application and the fees to be accompanied therewith under, sub-section (4) of section 13;

(h) the manner of considering application under sub-section (5) of section 13;

(i) the form of certificate of registration under sub-section (6) of section 13;

(j) the form of application and the fees to accompanied therewith under sub-section (10) of section 13;

(k) the form and time of preparing budget under section 18;

(l) the form and time of preparing annual report under section 19;

(m) the books of account and other books to be maintained in relation to the accounts of the Authority and the form and manner of maintaining such books of account and other books under sub-section (1) of section 20;

(n) any other matter which is required to be, or may be, prescribed.

Powers of Authority to make regulation.

25. (1) The Authority may, by notification in the Official Gazette, make regulations not inconsistent with the provisions of this Act and the Rules made thereunder to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such regulation may provide for all or any of the following matters, namely –

(a) the times and places of the meetings of the Authority and the rules of procedure to be observed in regard to the transaction of business at its meetings (including quorum thereat) under sub-section (1) of section 7;

(b) the terms and conditions of appointment of the officers and other employees under sub-section (1) of section 9;

(c) the terms and conditions of appointment of adviser or consultant under sub-section (2) of section 9;

(d) for the construction and operation of coastal aquaculture farms within the coastal areas under clause (a) of sub-section (1) of section 11;

(e) the form and conditions of registration under clause (c) of sub-section (3) of section 13;

(f) generally for better regulation of the coastal aquaculture.

Rules and regulations to be laid before Parliament.

26. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done that rule or regulation.

Validation.

27. (1) Notwithstanding anything contained in clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 or clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, in the notification of the Government of India in the Ministry of Environment and Forests (Department of Environment, Forests and Wildlife) No.S.O.114(E), dated the 19th February, 1991 (hereafter referred to in this section as the said notification), in paragraph 2, after sub-paragraph (xiii), the following sub-paragraph

29 of 1986.

shall be inserted and shall always be deemed to have been inserted with effect from the 19th day of February, 1991, namely:—

“(xiv) nothing contained in this paragraph shall apply to coastal aquaculture.”.

(2) The said notification shall have and shall be deemed always to have effect for all purposes as if the foregoing provisions of this section had been in force to all material times and accordingly notwithstanding anything contained in any judgement, decree or order of any court, tribunal or other authority, no coastal aquaculture carried on or undertaken or purporting to have been carried on or undertaken shall be deemed to be in contravention of the said notification and shall be deemed to be and have always been for all purposes in accordance with law, as if the foregoing provisions of this section had been in force at all material times and notwithstanding anything as aforesaid and without prejudice to the generality of the foregoing provisions, no suit or other proceeding shall be maintained or continued in any court for the enforcement of any direction given by any court of any decree or order directing the removal or closure of any coastal aquaculture farm's activity or demolition of any structure connected thereunder which would not have been so required to be removed, closed or demolished if the foregoing provisions of this section had been in force at all material times.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT)

AN

2005

ARRANGEMENT OF SECTION

SECTIONS

1. Short title and commencement.
2. Amendment of section 20.
3. Amendment of section 24.
4. Insertion of new section 25A.
5. Amendment of section 29.
6. Amendment of section 46.
7. Insertion of new section 50A.
8. Amendment of section 53.
9. Insertion of new section 53A.
10. Amendment of section 54.
11. Insertion of new section 54A.
12. Amendment of section 82.
13. Amendment of section 102.
14. Amendment of section 110.
15. Amendment of section 122.
16. Insertion of new section 144A.
17. Insertion of new section 164A.
18. Amendment of section 176.
19. Amendment of section 202.
20. Amendment of section 206.
21. Amendment of section 223.
22. Amendment of section 228.
23. Amendment of section 260.
24. Insertion of new section 291A.
25. Amendment of section 292.
26. Amendment of section 293.

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27. Insertion of new section 311A.
 28. Amendment of section 320.
 29. Amendment of section 356.
 30. Amendment of section 358.
 31. Amendment of section 377.
 32. Amendment of section 378.
 33. Amendment of section 389.
 34. Amendment of section 428.
 35. Amendment of section 436.
 36. Insertion of new section 436A.
 37. Amendment of section 437.
 38. Amendment of section 438.
 39. Insertion of new section 441A.
 40. Amendment of section 446.
 41. Amendment of section 459.
 42. Amendment of the First Schedule.
 43. Amendment of the Second Schedule.
 44. Amendment of Act 45 of 1860.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT)

AN

ACT 2005

Further to Amendment the code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 2005.

Short title and commencement.

(2) Save as otherwise provided in this Act, it shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2 of 1974.

2. In section 20 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the principal Act), after sub-section (4), the following sub-section shall be inserted, namely:—

Amendment of section 20.

“(4A) The State Government may, by general or special order and subject to such control and directions as it may deem fit to impose, delegate its powers under sub-section (4) to the District Magistrate”.

Amendment of section 24.

3. In section 24 of principal Act, in sub-section (6), after the proviso, the following *Explanation* shall be inserted and shall be deemed to have been inserted with effect from the 18th day of December, 1978, namely:—

‘*Explanation.*—For the purposes of this sub-section,—

(a) “regular Cadre of Prosecuting Officers” means a Cadre of Prosecuting Officers which includes therein the post of a public Prosecutor, by whatever name called, and which provides for promotion of Assistant Public prosecutors, by whatever name, called, to that post;

(b) “Prosecuting Officer” means a person, by whatever name called, appointed to perform the functions of a Public Prosecutor, an Additional Public Presecutor or an Assistant Public Prosecutor under this Code.;

Insertion of new section 25A

4. In Chapter II of the principal Act, after section 25, the following section shall be inserted, namely:—

Directorate of Prosecution.

“25A. (1) The State Government may establish a Directorate of Prosecution consisting of a Director of Prosecution and as many Deputy Directors of Prosecution as it thinks fit.

(2) A person shall be eligible to be appointed as a Director of Prosecution or a Deputy Director of Prosecution, only if he has been in practice as an advocate for not less than ten years and such appointment shall be made with the concurrence of the Chief Justice of the High Court.

(3) The Head of the Directorate of Prosecution shall be the Director of Prosecution, who shall function under the administrative control of the Head of the Home Department in the State.

(4) Every Deputy Director of Prosecution shall be subordinate to the Director of Prosecution.

(5) Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor appointed by the State Government under sub-section (1), or as the case may be, sub-section (8), of section 24 conduct cases in the High Court shall be subordinate to the Director of Prosecution.

(6) Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor appointed by the State Government under sub-section (3), or as the case may be, sub-section (8), of section 24 to conduct cases in District Courts and every Assistant Public Prosecutor appointed under sub-section (1) of section 25 shall be subordinate to the Deputy Director of Prosecution.

(7) The powers and functions of the Director of Prosecution and the Deputy Directors of Prosecution and the areas for which each of the Deputy Directors of Prosecution have been appointed shall be such as the State Government may, by notification, specify.

(8) The provisions of this section shall not apply to the advocate General for the State while performing the functions of a Public Prosecutor”.

Amendment of
section 29.

5. In section 29 of the principal Act,—

(a) In sub-section (3), for the words “five thousand rupees”. the words “ten thousand rupees” shall be substituted.

(b) In sub-section (3), for the words “one thousand rupees”, the words “five thousand rupees” shall be substituted.

Amendment of
section 46.

6. In section 46 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Save in exceptional circumstances, no woman shall be arrested after sunset and before sunrise, and where such exceptional circumstances exist, the woman police officer shall, by making a written report, obtain the prior permission of the Judicial Magistrate of the first class within whose local jurisdiction the offence is committed or the arrest is to be made.”

7. After section 50 of the principal Act, the following section shall be inserted, namely:—

“50A. (1) Every police officer or other person making any arrest under this Code shall forthwith give the information regarding such arrest and place where the arrested person is being held to any of his friends, relatives or such other persons as may be disclosed or nominated by the arrested person for the purpose of giving such information.

(2) The police officer shall inform the arrested person of his rights under sub-section (1) as soon as he is brought to the police station.

(3) An entry of the fact as to who has been informed of the arrest of such person shall be made in a book to be kept in the police station in such form as may be prescribed in this behalf by the State Government.

(4) It shall be the duty of Magistrate before whom such arrested person is produced, to satisfy himself that the requirement of sub-section (2) and sub-section (3) have been complied with in respect of such arrested person”.

Insertion of new
section 50A.

Obligation of person
making arrest to
inform about the
arrest, etc., to a
nominated person.

8. In section 53 of the principal Act, for the *Explanation*, the following '*Explanation*' shall be substituted, namely:—

Amendment of section 53.

'Explanation.—In this section and in sections 53A and 54,—

(a) "examination" shall include the examination of blood, blood stains, semen, swabs in case of sexual offences, sputum and sweat, hair samples and finger nail clippings by the use of modern and scientific techniques including DNA profiling and such other tests which the registered medical practitioner thinks necessary in a particular case;

102 of 1956.

(b) "registered medical practitioner" means a medical practitioner who possesses any medical qualification as defined in clause (h) of section 2 of the Indian Medical Council Act, 1956 and whose name has been entered in a State Medical Register;.

9. After section 53 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 53A

"53A. (1) When a person is arrested on a charge of committing an offence of rape or an attempt to commit rape and there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission of such offence, it shall be lawful for a registered medical practitioner employed in a hospital run by the Government or by a local authority and in the absence of such a practitioner within the radius of sixteen kilometres from the place where the offence has been committed, by any other registered medical practitioner, acting at the request of a police officer not below the rank of a sub-Inspector, and for any person acting in good faith in his aid and under his direction, to make such an examination of the arrested person and to use such force as is reasonably necessary for that purpose.

Examination of person accused of rape by medical practitioner.

(2) The registered medical practitioner conducting such examination shall, without delay, examine such person and prepare a report of his examination giving the following particulars, namely:—

(i) the name and address of the accused and of the person by whom he was brought,

(ii) the age of the accused,

(iii) marks of injury, if any, on the person of the accused,

(iv) the description of material taken from the person of the accused for DNA profiling, and

(v) other material particulars in reasonable detail.

(3) The report shall state precisely the reasons for each conclusion arrived at.

(4) The exact time of commencement and completion of the examination shall also be noted in the report.

(5) The registered medical practitioner shall, without delay, forward the report to the investigating officer, who shall forward it to the Magistrate referred to in section 173 as part of the documents referred to in clause (a) of sub-section (5) of that section".

Amendment of
section 54.

10. Section 54 of the principal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

“(2) Where an examination is made under sub-section (1), a copy of the report of such examination shall be furnished by the registered medical practitioner to the arrested person or the person nominated by such arrested person”.

Insertion of new
section 54A

11. After section 54 of the principal Act, the following section shall be inserted, namely:—

Identification of
person arrested.

“54A. Where a person is arrested on a charge of committing an offence and his identification by any other person or person is considered necessary for the purpose of investigation of such offence, the Court, having jurisdiction may, on the request of the officer in charge of a police station, direct the person so arrested to subject himself to identification by any person or persons in such manner as the Court may deem fit”.

Amendment of
section 82.

12. In section 82 of the principal Act, after sub-section (3), the following sub-sections shall be inserted, namely:—

“(4) Where a proclamation published under sub-section (1) is in respect of a person accused of an offence punishable under section 302, 304, 364, 367, 382, 392, 393, 394, 395, 396, 397, 398, 399, 400, 402, 436, 449, 459, or 460 of the Indian Penal Code, and such person fails to appear at the specified place and time required by the proclamation, the Court may, after making such inquiry as it thinks fit, pronounce him a proclaimed offender and make a declaration to that effect.

45 of 1860.

(5) The provisions of sub-sections (2) and (3) shall apply to a declaration made by the Court under sub-section (4) as they apply to the proclamation published under sub-section (1).”

Amendment of
section 102..

13. in section 102 of the principal Act,—

(a) in sub-section (3), after the words “transported to the Court”, the words “or where there is difficulty in securing proper accommodation for the custody of such property, or where the continued retention of the property in police custody may not be considered necessary for the purpose of investigation” shall be inserted;

(b) after sub-section (3), the following proviso shall be added at the end, namely:—

“Provided that where the property seized under sub-section (1) is subject to speedy and natural decay and if the person entitled to the possession of such property is unknown or absent and the value of such property is less than five hundred rupees, it may forthwith be sold by auction under the orders of the Superintendent of Police and the provisions of sections 457 and 458 shall, as nearly as may be practicable, apply to the net proceeds of such sale”.

14. In section 110 of the principal Act, in clause (f), in sub-clause (i),—

(i) in item (g), the word “or” shall be omitted;

(ii) after item (g), the following item shall be inserted, namely:—

“(h) the Foreigners Act, 1946; or”

Amendment of
section 110.

15. In section 122 of the principal Act, in sub-section (1), in clause (b), for the words “bond without sureties”, the words “bond, with or without sureties,” shall be substituted.

Amendment of section 122.

16. In Chapter X of the principal Act, under sub-heading “C.—*Urgent cases of nuisance or apprehended danger*”, after section 144, the following section shall be inserted, namely:—

Insertion of section 144A.

‘144A. (1) The District Magistrate may, whenever he considers it necessary so to do for the preservation of public peace or public safety or for the maintenance of public order, by public notice or by order, prohibit in any area within the local limits of his jurisdiction, the carrying of arms in any procession or the organising or holding of, or taking part in, any mass drill or mass training with arms in any public place.

Power to prohibit carrying arms in procession or mass drill or mass training with arms.

(2) A public notice issued or an order made under this section may be directed to a particular person or to persons belonging to any community, party or organisation.

(3) No public notice issued or an order made under this section shall remain in force for more than three months from the date on which it is issued or made.

(4) The State Government may, if it considers necessary so to do for the preservation of public peace or public safety or for the maintenance of public order, by notification, direct that a public notice issued or order made by the District Magistrate under this section shall remain in force for such further period not exceeding six months from the date on which such public notice or order was issued or made by the District Magistrate would have, but for such direction, expired, as it may specify in the said notification.

(5) The State Government may, subject to such control and directions as it may deem fit to impose, by general or special order, delegate its powers under sub-section (4) to the District Magistrate.

45 of 1860.

Explanation.—The word “arms” shall have the meaning assigned to it in section 153AA of the Indian Penal Code.’

17. After section 164 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 164A.

‘164A. (1) Where, during the stage when an offence of committing rape or attempt to commit rape is under investigation, it is proposed to get the person of the woman with whom rape is alleged or attempted to have been committed or attempted, examined by a medical expert, such examination shall be conducted by a registered medical practitioner employed in a hospital run by the Government or a local authority and in the absence of such a practitioner, by any other registered medical practitioner, with the consent of such woman or of a person competent to give such consent on her behalf and such woman shall be sent to such registered medical practitioner within twenty-four hours from the time of receiving the information relating to the commission of such offence.

Medical examination of the victim of rape.

(2) The registered medical practitioner, to whom such woman is sent, shall without delay, examine her person and prepare a report of his examination giving the following particulars, namely:—

(i) the name and address of the woman and of the person by whom she was brought;

(ii) the age of the woman;

(iii) the description of material taken from the person of the woman for DNA profiling;

(iv) marks of injury, if any on the person of the woman;

(v) general mental condition of the woman; and

(vi) other material particulars in reasonable detail.

(3) The report shall state precisely the reasons for each conclusion arrived at.

(4) The report shall specifically record that the consent of the woman or of the person competent to give such consent on her behalf to such examination had been obtained.

(5) The exact time of commencement and completion of the examination shall also be noted in the report.

(6) The registered medical practitioner shall, without delay forward the report to the investigating officer who shall forward it to the Magistrate referred to in section 173 as part of the documents referred to in clause (a) of sub-section (5) of that section.

(7) Nothing in this section shall be construed as rendering lawful any examination without the consent of the woman or of the person competent to give such consent on her behalf.

Explanation.—For the purposes of this section, “examination” and “registered medical practitioner” shall have the same meanings as in section 53.’.

Amendment of
section 176.

18. In section 176 of the principal Act,—

(i) in sub-section (1), the words “where any person dies while in the custody of the police or” shall be omitted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Where,—

(a) any person dies or disappears, or

(b) rape is alleged to have been committed on any woman,

while such person or woman is in the custody of the police or in any other custody authorised by the Magistrate or the Court, under this Code, in addition to the inquiry or investigation held by the police, an inquiry shall be held by the judicial Magistrate or the Metropolitan Magistrate, as the case may be, within whose local jurisdiction the offence has been committed.”;

(iii) after sub-section (4), before the *Explanation*, the following sub-section shall be inserted, namely:—

(5) The judicial Magistrate or the Metropolitan Magistrate or Executive Magistrate or police officer holding an inquiry or investigation, as the case may be, under sub-section (1A) shall, within twenty-four hours of the death

of a person, forward the body with a view to its being examined to the nearest Civil Surgeon or other qualified medical person appointed in this behalf by the State Government, unless it is not possible to be recorded in writing."

Amendment of
section 202.

19. In section 202 of the principal Act, in sub-section (1), after the words "may, if he thinks fit", the following shall be inserted, namely:—

"and shall, in a case where the accused is residing at a place beyond the area in which he exercise his jurisdiction.."

Amendment of
section 206.

20. In section 206 of the principal Act, in sub-section (1),—

(a) in the opening paragraph, after the words and figures "under section 260", the words and figures "or section 261" shall be inserted;

(b) in the proviso, for the words "one hundred rupees", the words one thousand rupees" shall be substituted.

Amendment of
section 223.

21. In section 223 of the principal Act, in the proviso,—

(a) for the word "Magistrate ", the words "Magistrate or Court of Session " shall be substituted;

(b) for the words "if he is satisfied", the words "if he or it is satisfied" shall be substituted.

22. In section 228 of the principal Act, in sub-section (1), in clause (a), for the words "and thereupon the Chief Judicial Magistrate", the words "or any other Judicial Magistrate of the first class and direct the accused to appear before the Chief Judicial Magistrate, or as the case may be, the Judicial Magistrate of the first class, on such date as he deems fit, and thereupon such Magistrate" shall be substituted.

Amendment of
section 228.

23. In section 260 of the principal Act, in sub-section (1),—

(a) for the words "two hundred rupees," wherever they occur, the words "two thousand rupees" shall be substituted;

(b) in clause (vi), for the words "criminal intimidation ", the words "criminal intimidation punishable with imprisonment for a term which may extend to two years, or with fine, or with both "shall be substituted.

Amendment of
section 260.

24. After section 291 of the principal Act, the following section shall be inserted, namely:—

insertion of new
section 291A.

"291A. (1) Any document purporting to be report of identification under the hand of an Executive Magistrate in respect of a person or property may be use as evidence in any inquiry, trial or other proceeding under this Code, although such Magistrate is not called as a witness.

Identification report
of Magistrate.

1 of 1872.

Provided that where such report contains a statement of any suspect or witness the which to provisions of section 21, section 32, section 33, section 155 or section 157, as the case may be, of the Indian Evidence Act, 1872, apply, such statement shall not be used under this sub-section except in accordance with the provisions of those sections.

(2) The Court may, if it thinks fit, any shall, on the application of the prosecution or of the accused, summon and examine such Magistrate as to the subject matter of the said report".

25. In section 292 of the principal Act,—

Amendment of
section 292

(a) in sub-section (1), after the words “the Mint”, the words “or of the Currency Note Press or of the Security Printing Press or of the India Security Press” shall be inserted;

(b) in sub-section (3), for the words “the Master of the Mint, or the India Security Press”, the words “the General Manager of the Mint or of the Currency Note Press or of the Bank Note Press or of the Security Printing Press or of the India Security Press” shall be substituted.

Amendment of
section 293

26. In section 293 of the principal Act, in sub-section (4),—

(a) for clause (b), the following clause shall be substituted, namely,—

“(b) the Chief Controller of Explosives;”;

(b) After clause (f), the following clause shall be, added namely:—

“(g) Any other Government scientific expert specified, by notification, by the Central Government for this purpose”.

Insertion of new
section 311A.

27. After section 311 of the principal Act, the following section shall be inserted, namely:—

Power of
Magistrate to order
person to give
specimen
signatures of
handwriting.

“311A. If a Magistrate of the first class is satisfied that, for the purposes of any investigation or proceeding under this Code, it is expedient to direct any person, including an accused person, to give specimen signatures or handwriting, he may make an order to that effect and in that case the person to whom the order relates shall be produced or shall attend at the time and place specified in such order and shall give his specimen signatures or handwriting:

Provided that no order shall be made under this section unless the person has at some time been arrested in connection with such investigation or proceeding.”

Amendment of
section 320.

28. In section 320 of the principal Act, in the Table under sub-section (2),—

(a) The words “Voluntarily causing hurt by dangerous weapons or means”. in column 1 and the entries relating thereto in columns 2 and 3 shall be omitted;

(b) In column 3, for the words “Ditto”, against the entry relating to section 325, the words “The person to whom the hurt is caused” shall be substituted;

(c) In column 1, for the words “two hundred and fifty rupees”, wherever they occur, the words “two thousand rupees” shall be substituted.

Amendment of
section 356.

29. In section 356 of the principal act, in subsection (1),—

(a) After the words, figures and letter “or section 489D”, the words, figures and brackets “or section 506 (in so far it relates to criminal intimidation punishable with imprisonment for a term which may extend to seven years or with fine or with both)” shall be inserted;

(b) After the word and figures and letter “Chapter XII”, the words and figures “or Chapter XIV” shall be inserted.

Amendment of
section 358.

30. In section 358 of the principal Act, in sub-sections (1) and (2), for the words "one hundred rupees", the words "one thousand rupees" shall be substituted.

Amendment of
section 377.

31. In section 377 of the principal Act,—

(a) In sub-sections (1) and (2), for the words "an appeal to the High Court against the sentence on the ground of its inadequacy", the following shall be substituted, namely:—

"an appeal against the sentence on the ground of its inadequacy—

(a) To the Court of Session, if the sentence is passed by the Magistrate; and

(b) to the High Court, if the sentence is passed by any other Court";

(b) In sub-section (3), for the words "the Court", the words "the Court of Session or, as the case may be, the High Court" shall be substituted.

Amendment of
section 378.

32. In sub-section 378 of the principal Act,—

(i) For sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Save as otherwise provided in sub-section (2), and subject to the provisions of sub-sections (3) and (5),—

(a) The District Magistrate may, in any case, direct the Public Prosecutor to present an appeal to the Court of Session from an order of acquittal passed by a Magistrate in respect of a cognizable and non-bailable offence;

(b) The State Government may, in any case, direct the Public prosecutor to present an appeal to High Court from an original or appellate order of an acquittal passed by any Court other than a High Court [not being an order under clause (a)] or an order of acquittal passed by the Court of Session in revision";

(ii) In sub-section (2), for the portion beginning with the words "the Central Government may" and ending with the words "the order of acquittal", the following shall be substituted, namely:—

"The Central Government may, subject to the provisions of sub-section (3), also direct the Public Prosecutor to present an appeal—

(a) To the Court of Session, from an order of acquittal passed by a Magistrate in respect of a cognizable and non-bailable offence;

(b) To the High Court from an original or appellate order of an acquittal passed by any Court other than a High Court [not being an order under clause (a)] or an order of acquittal passed by the Court of Session in revision";

(iii) In sub-section (3), for the words "No appeal", the words "No appeal to the High Court" shall be substituted.

33. In section 389 of the principal Act, to sub-section 91), the following provisos shall be added, namely:—

Amendment of
section 389.

"Provided that the Appellate Court shall, before releasing on bail or on his own bond a convicted person who is convicted of an offence punishable with death or imprisonment for a life or imprisonment for a term of not less than ten years, shall give opportunity to the Public Prosecutor for showing cause in writing against such release:

Provided further that in cases where a convicted person is released on bail it shall open to the Public Prosecutor to file an application for the cancellation of the bail,".

34. To section 428 of the principal Act the following proviso shall be added, namely,—

Amendment of section 428.

"Provided that in cases referred to in section 433A, such period of detention shall be set off against the period of fourteen years referred to in that section,".

35. In section 436 of the principal Act, in sub-section(1),—

Amendment of section 436.

(a) In the first proviso, for the word "may, instead of taking bail", the words "may and shall, if such person is indigent and is unable to furnish surety, instead of taking bail" shall substituted;

(b) After the first proviso, the following *Explanation* shall be inserted, namely:—

"Explanation—Where a person is unable to give bail within a week of the date of his arrest, it shall be a sufficient ground for the officer or the court to presume that he is an indigent person for the purposes of this proviso,".

Insertion of new section 436A.

36. After section 436 of the principal Act, the following section shall be inserted, namely:—

Maximum period for which an undertrial prisoner can be detained.

"436A. Where a person has, during the period of investigation, inquiry or trial under this Code of an offence under any law (not being an offence for which the punishment of death has been specified as one of the punishment under that law) undergone detention for a period extending up to one-half of the maximum period of imprisonment specified for that offence under that law, he shall be released by the Court on his personnel bond with or without sureties:

Provided that the Court may, after hearing the Public Prosecutor and for reasons to be recorded by it in writing, order the continued detention of such person for a period longer than one-half of the said period or release him on bail instead of the personal bond with or without sureties:

Provided further that no such person shall in any case be detained during the period of investigation, inquiry or trial for more than the maximum period of imprisonment provided for the said offence under that law.

Explanation— In computing the period of detention under this section for granting bail, the period of detention passed due to delay in proceeding caused by the accused shall be excluded,".

Amendment of section 437.

37. In section 437 of the principal Act,—

(i) In sub-section (1),—

(a) In clause (ii), for the words "a non-bailable and cognizable offence", the words "a cognizable offence punishable with imprisonment for three years or more but not less than seven years" shall be substituted;

(b) After the third proviso, the following proviso shall be inserted, namely:—

“Provided also that no person shall, if the offence alleged to have been committed by him is punishable with death, imprisonment for life, or imprisonment for seven years or more, be released on bail by the Court under this sub-section without giving an opportunity of hearing to the Public Prosecutor.”;

(ii) In sub-section (3), for the portion beginning with the words “the Court may impose” and ending with the words “the interests of justice”, the following shall be substituted, namely:—

“the Court shall impose the conditions,—

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and may also impose, in the interests of justice, such other conditions as it considers necessary”.

38. In section 438 of the principal Act, for sub-section (1), the following sub-sections shall be substituted, namely:—

Amendment of
section 438.

“(1) Where any person has reason to believe that he may be arrested on accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section that in the event of such arrest he shall be released on bail; and that Court may, after taking into consideration, *inter alia*, the following factors, namely:—

(i) the nature and gravity of the accusation;

(ii) the antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;

(iii) the possibility of the applicant to flee from justice; and

(iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested, either reject the application forthwith or issue an interim order for the grant of anticipatory bail:

Provided that, where the High Court or, as the case may be, the Court of Session, has not passed any interim order under this sub-section or has rejected the application for grant of anticipatory bail, it shall be open to an officer in -charge of a police station to arrest, without warrant the applicant on the basis of accusation apprehended in such application.

(1A) Where the Court grants an interim order under sub-section (1), it shall forthwith cause a notice being not less than seven days notice, together with a copy of such order to be served on the Public Prosecutor and the Superintendent of Police, with a view to give the Public Prosecutor a reasonable opportunity of being heard when the application shall be finally heard by the Court.

(1B) The presence of the applicant seeking anticipatory bail shall be obligatory at the time of final hearing of the application and passing of final order by the Court, if on an application made to it by the Public Prosecutor, the Court considers such presence necessary in the interest of justice."

39. After section 441 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 441A.

"441A Every person standing surety to an accused person for his release on bail, shall make a declaration before the Court as the number of persons to whom he has stood surety including the accused, giving therein all the relevant particulars".

Declaration by sureties.

40. In section 446 of the principal Act, in sub-section (3), for the words "at its discretion", the words "after recording its reasons for doing so" shall be substituted.

Amendment of section 446.

41. In section 459 of the principal Act, for the words "less than ten rupees", the words "less than five hundred rupees" shall be substituted.

Amendment of section 459.

42. In the First Schedule to the principal Act, under the heading "I.—OFFENCES UNDER THE INDIAN PENAL CODE",—

Amendment of the First Schedule.

(a) after the entries relating to section 153A, the following entries shall be inserted, namely:—

1	2	3	4	5	6
"153AA	Knowingly carrying arms in any procession or organising or holding or taking part in any mass drill or mass training with arms.	Imprisonment for 6 months and fine of 2,000 rupees	Ditto	Ditto	Any Magistrate.;"

(b) in the 6th column, in the entries relating to section 153B, for the word "Ditto", the words "Magistrate of the first class" shall be substituted;

(c) after the entries relating to section 174, the following entries shall be inserted, namely:—

1	2	3	4	5	6
"174A	Failure to appear at specified place and specified time as required by a proclamation published under sub-section (1) of section 82 of this Code	Imprisonment for 3 years or with fine, or with both	Cognizable	Non-bailable	Magistrate of the first class.

In a case where declaration has been made under sub-section (4) of section 82 of this Code pronouncing a person as proclaimed offender	Imprisonment for 7 years and fine	Ditto	Ditto	Ditto";
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(d) in the entries relating to section 175,

(i) In the 4th column, for the word "Ditto", the words "Non-cognizable"

(ii) In the 5th column, for the word "Ditto" the word "Bailable", shall be substituted;

(e) After the entries relating to section 229, the following entries shall be inserted, namely:—

1	2	3	4	5	6
"229A	Failure by person released on bail or bond to appear in Court	Imprisonment for 1 year, or fine, or both	Cognizable	Non-bailable	Any Magistrate".;

(f) In the 5th column, in the entries relating to—

(i) section 274, for the word "Ditto", the word "Non Bailable" shall be substituted;

(ii) section 275, for the word "Ditto", the word "Non Bailable" shall be substituted;

(iii) section 324, for the word "Ditto", the word "Non Bailable" shall be substituted;

(iv) section 325, for the word "Ditto", the word "Non Bailable" shall be substituted;

(v) section 332, for the word "Ditto", the word "Non Bailable" shall be substituted;

(vi) section 333, for the word "Ditto", the word "Non Bailable" shall be substituted;

(vii) section 353, for the word "Ditto", the word "Non Bailable" shall be substituted;

(viii) section 354, for the word "Ditto", the word "Bailable" shall be substituted.

43. In the Second Schedule to the principal Act, in Form No. 45, after the words and figures "See section 436" the figures and letter "436A", shall be inserted.

Amendment of the Second Schedule.

44. In the Indian Penal Code,—

Amendment of Act 45 of 1860.

(a) after section 153A, the following section shall be inserted, namely:—

'153AA. Whoever knowingly carries arms in any procession or organizes or holds or takes part in any mass drill or mass training with arms in any public place in contravention of any public notice or

Punishment for knowingly carrying arms in any procession or organising, or holding or taking

order issued or made under section 144A of the Code of Criminal Procedure, 1973 shall be punished with imprisonment for a term which may extend to six months and with fine which may extend to two thousand rupees.

part in any mass drill or mass training with arms.

Explanation.—"Arms" means articles of any description designed or adapted as weapons for offence or defence and includes fire arms, sharp edged weapons, lathis, *dandas* and stick.';

(b) After section 174, the following section shall be inserted, namely:—

"174A. Who ever fails to appear at the specified place and the specified time as required by a proclamation published under sub-section (1) of section 82 of the Code of Criminal Procedure, 1973 shall be punished with imprisonment for a term which may extend to three years or with fine or with both, and where a declaration has been made under sub-section (4) of that section pronouncing him as a proclaimed offender, he shall punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.";

Non-appearance in response to a proclamation under section 82 of Act 2 of 1974.

(c) After section 229, the following section shall be inserted, namely:—

"229A. Whoever, having been charged with an and released on bail or on bond without sureties, fails without sufficient cause (the burden of proving which shall lie upon him), to appear in Court in accordance with the terms of the bail or bond, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Failure by person released on bail or bond to appear in Court.

Explanation.—The punishment under this section is—

(a) In addition to the punishment to which the offender would be liable on a conviction for the offence with which he has been charged; and

(b) Without prejudice to the power of the Court to order forfeiture of the bond".

THE UNIVERSITY OF ALLAHABAD**ACT****2005****ARRANGEMENT SECTION**

Section

1. Short title and commencement.
2. Declaration of University of Allahabad as Institution of national importance.
3. Definitions.
4. Incorporation of University of Allahabad
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THE SCHEDULE.

THE UNIVERSITY OF ALLAHABAD

ACT

2005

AN ACT

To declare the University of Allahabad to be an institution of national importance and to provide for its incorporation and matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fifty-sixth year of the Republic of India as follow:—

1. (1) This act may be called the University of Allahabad Act, 2005.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. Whereas the objects of the University of Allahabad in the State of Uttar Pradesh are such as to make it an Institution of national importance, it is hereby declared that the said University is an Institution of national importance.

Declaration of University of Allahabad as Institution of national importance.

Definitions.

3. in this Act, and in all Statutes made hereunder, unless the context otherwise requires,—

(a) “Academic Council” means the Academic Council of the University;

(b) “Academic staff” means such categories of staff as are designated as academic staff by the Statutes;

(c) “appointed day” means the date of establishment of the University of Allahabad under sub-section (1) of section 4;

(d) “Centre” means a unit of the University or of a University Institute providing teaching, consultancy and research facilities;

(e) “Chancellor” means a Chancellor of the University appointed under section 13;

(f) “Constituent College” means an college prescribed as such by the Statutes;

(g) “Constituent Institute” means an Institute prescribed as such by the Statutes.

(h) “Court” means the Court of the University;

(i) “Department” mean a Department of a Faculty;

(j) “Director” means the head of a University Institute or Constituent Institute;

(k) “employee” means any person appointed by the University and includes teachers and other staff of the University;

(l) “Executive Council” means the Executive Council of the University;

(m) "Faculty" means the Faculty of the University;

(n) "Finance Officer" means the Finance Officer of the University appointed under section 18;

(o) "Ordinances" means the Ordinances of the University;

(p) "Principal" means the head of a University College or a Constituent College;

(q) "Pro-Vice-Chancellor" means the Pro-Vice-Chancellor of the University appointed under section 15;

(r) "Registrar" means the Registrar of the University appointed under section 17;

(s) "Regulations" means the Regulations of the University;

(t) "Statutes" means the Statutes of the University;

(u) "teacher" means Professors, Reader and Lecturers appointed or recognised by the University;

(v) "University" means the University of Allahabad established and incorporated under section 4;

(w) "University appointed teacher" means a teacher appointed by the University for imparting instruction and conducting research in the University or any college or institution maintained by the University;

(x) "University College" means a college or an institution maintained by the University or admitted to the privileges of the University as a Faculty;

(y) "University Institute" means an Institute, established and maintained by the University;

(z) "University recognized teacher" means a teacher recognized by the University for imparting instruction and conducting research in a college or institution admitted to the privileges of the University; and

(za) "Vice-Chancellor" means the Vice-Chancellor of the University appointed under section 14.

President's Act 10
of 1973

Incorporation of
University of
Allahabad

4. (1) The University of Allahabad in the State of Uttar Pradesh, established under the Uttar Pradesh State Universities Act, 1973, shall be established as a body corporate under this Act having perpetual succession and a common seal and shall sue and be sued by the said name.

(2) The first Chancellor, the first Vice-Chancellor and the first members of the Courts, the Executive Council and the Academic Council, and all persons who may hereafter become such officers or member, so long as they continue to hold such office or membership, shall constitute the University.

(3) The headquarters of the University shall be at Allahabad.

Effect of incorpora-
tion of Allahabad
University

5. On and from the appointed day,—

(a) any reference to the University of Allahabad in any law (other than this Act) or in any contract or other instrument shall be deemed as a reference to the University;

(b) All properties, movable and immovable, of or belonging to the University of Allahabad shall vest in the University;

(c) All rights and liabilities of the University of Allahabad shall be transferred to, and be rights and liabilities of, the University;

(d) every person employed by the University of Allahabad immediately before the appointed day shall hold his office or service in the University by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave gratuity, provident fund and other matters as he would have held the same if this Act had not been passed, and shall continue to do so, unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Statutes:

Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the University in accordance with the term of the contract with the employee or, if no provision is made therein in this behalf, on payment to him by the University or compensation equivalent to three months' remuneration in case of permanent employees and one month's remuneration in the case of other employees:

Provided further that every person employed before the appointed day, pending the execution of a contract under section 34, shall be deemed to have been appointed in accordance with the provisions of a contract consistent with the provisions of this Act and the Statutes:

Provided also that any reference, by whatever form of words, to the Vice-Chancellor and Pro-Vice-Chancellor of the University of Allahabad in any law for the time being in force, or in any instrument or other document, shall be construed as a reference respectively to the Vice-Chancellor and the Pro-Vice-chancellor of the University;

(e) The Vice-Chancellor of the University, appointed under the provisions of the Uttar Pradesh State Universities Act, 1973 shall be deemed to have been appointed as the Vice-Chancellor is appointed, whichever is earlier.

6. The objects of the University shall be to disseminate and advance knowledge by providing instructional and research facilities in such branches of learning as it may deem fit; to make provisions for integrated courses in the humanities, the social sciences, the basic and applied science and technology in the educational programmes of the University; to take appropriate measures for promoting innovations in teaching-learning process, interdisciplinary and professional studies and research, removal of gender disparities and the digital divide, and the application of knowledge to social advancement, national progress and human welfare; and to educate and train human resource for the development of the country.

7. The University shall have the following powers, namely:—

(i) to provide for instruction in such branches of learning as the University may, from time to time, determine and to make provisions for research and for the advancement and dissemination of knowledge;

(ii) to grant, subject to such conditions as the University may determine,

President's Act 10
of 1973.

Objects of
University.

Powers of
University.

diplomas or certificates and confer degrees or other academic distinctions on the basis of examinations, evaluation or any other method of testing and to withdraw any such diplomas, certificates, degrees or other academic distinction for good sufficient cause;

(iii) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(iv) to organise and to undertake open learning programmes, extramural studies, training and extension services;

(v) to institute Chairs, Principalships, Professorships, Readerships and Lecturerships and other teaching and academic positions, required by the University and to appoint persons to such Chairs, Principalships, Professorships, Readerships and Lecturerships and other teaching and academic positions;

(vi) to recognize persons as University recognized teachers;

(vii) to declare persons working in any other University or organisation, as teachers of the University;

(viii) to appoint, on contract or otherwise, visiting Professors, Emeritus Professors, Consultants, Scholars and such other persons who may contribute to the advancement of the objects of the University;

(ix) to create administrative, ministerial and other posts and to make appointments thereto;

(x) to lay down conditions of service of all categories of employees, including their code of conduct;

(xi) to establish and maintain University Colleges and University Institutes for imparting instruction and conducting research;

(xii) to admit to its privileges colleges and institutions situated within the territorial jurisdiction of the University, as University Colleges, Constituent Institutes and Constituent Colleges, and to withdraw all or any of those privileges in accordance with such conditions as may be prescribed by the Statutes;

(xiii) to confer autonomous status on a college or an institution or a Department, as the case may be, and to withdraw such status, in accordance with the Statutes;

(xiv) to co-operate or collaborate or associate with any other University or authority or institution of higher learning in such manner as may be prescribed and for such purposes as the University may determine;

(xv) to determine standards of admission, including examination, evaluation or any other method of testing, to the University, and the institutions maintained by or admitted to privileges of the University;

(xvi) to demand and receive payment of fees and other charges;

(xvii) to establish and recognise hostels and supervise the residence of the students of the University, make arrangements for promoting their health and general welfare and guide the Constituent Colleges and the Constituent

Institutes to like ends in respect of the students enrolled thereat;

(xviii) to regulate and enforce discipline among the students and the employees, and take such disciplinary measures in this regard as may be deemed by the University to be necessary;

(xix) to institute and award fellowships, scholarships, studentships, medals and prizes;

(xx) to receive benefactions, donations and gifts and to acquire, hold, manage and dispose of any property, movable or immovable, including trust and endowment properties, for the purposes of the University

Provided that no immovable property shall be disposed of except with the prior approval of the Central Government;

(xxi) to borrow, with the approval of the Central Government, on the security of the property of the University, money for the purposes of the University; and

Jurisdiction

(xxii) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University.

President's Act 10
of 1973

8. (1) Save as otherwise provided by this Act, the powers conferred on the University shall be exercisable in respect of the area within a radius of sixteen kilometres from the Convocation Hall of the University, without prejudice to the territorial jurisdiction over the said area that may be assigned to any other University.

(2) On and from the appointed day, all institutions admitted to the privileges of, or maintained by, the University of Allahabad as incorporated under the Uttar Pradesh State Universities Act, 1973 shall stand admitted to the privileges of, or maintained by, the University and shall be governed by such conditions as may be prescribed by Statutes.

University open
to all persons
irrespective of
gender, class or
creed.

9. The University shall be open to all persons of either sex and of whatever caste, creed, race or class and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any office therein or be admitted as a student in the University or to graduate thereat or to enjoy or exercise any privilege thereof:

The Visitor

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or admission of women, physically handicapped or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes and the Scheduled Tribes.

10. (1) The President of India shall be the Visitor of the University.

(2) The Visitor may, from time to time, appoint one or more persons to review the work and progress of the University, including the colleges and institutions maintained by it, and to submit a report thereon; and upon receipt of such report, the Visitor may, after obtaining the views of the Executive Council thereon through the Vice-Chancellor, take such action and issue such directions as he considers necessary in respect of any of the

matters dealt with in the report and the University shall be bound to comply with such directions.

(3) The Visitor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its buildings, libraries, laboratories and equipment and also of the colleges or institution maintained by the University or admitted to its privileges; and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, and the said colleges and institutions.

(4) The Visitor shall, in every matter referred to in-subsection (3), give notice of his intention to cause an inspection or inquiry to be made—

(a) to the University, if such inspection or inquiry is to be made in respect of the University or any college or institution maintained by it, or

(b) to the Management of the college or institution, if the inspection or inquiry is to be made in respect of a college or institution admitted to the privileges of the University or the Management, as the case may be, shall have the right to make such representations to the Visitor, as it may consider necessary.

(5) After considering the representations, if any, made by the University or the Management, as the case may be, the Visitor may cause to be made such inspection or inquiry as is referred to in sub-section (3).

(6) Where any inspection or inquiry has been caused to be made by the Visitor, the University or the Management shall be entitled to appoint a representative, who shall have the right to be present and be heard at such inspection or inquiry.

(7) The Visitor may, if the inspection or inquiry is made in respect of the University or any college or institution maintained by it, address the Vice-Chancellor with reference to the result of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon, as the Visitor may be pleased to offer, and on receipt of address made by the Visitor, the Vice-Chancellor shall communicate to the Executive Council, the views of the Visitor with such advice as the Visitor may offer upon the action to be taken thereon.

(8) The Visitor may, if the inspection or inquiry is made in respect of any college or institution admitted to the privileges of the University, address the Management concerned through the Vice-Chancellor with reference to the result of such inspection or inquiry, his views thereon and such advice as he may be pleased to offer upon the action to be taken thereon.

(9) The Executive Council or the Management, as the case may be, communicate, through the Vice-Chancellor to the Visitor such action, if any, as it proposes to take or has been taken upon the result of inspection or inquiry.

(10) Where, the Executive Council or the Management, as the case may be, does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Executive Council or the Management, issue such directions as he may think fit and the Executive Council or the Management, as the case may be, shall comply with such directions.

The Chief Rector

(11) Without prejudice to the foregoing provisions of this section, the Visitor may, by order in writing, annul any proceeding of the University which is not in conformity with the Act or the Statutes or the Ordinances:

Provided that before making any such order, the Visitor shall call upon the Registrar to show cause why such an order should not be made, and if any cause is shown within a reasonable time, he shall consider the same.

Officers of University

(12) The Visitor shall have such other powers as may be prescribed by the Statutes.

11. The Governor of the State of Uttar Pradesh shall be the Chief Rector of the University.

12. The following shall be the officers of the University,—

- (1) The Chancellor;
- (2) The Vice-Chancellor;
- (3) The Pro-Vice-Chancellor;
- (4) The Deans of Faculties;
- (5) The Registrar;
- (6) The Finance Officer; and

The Chancellor

(7) such other officers as may be declared by the Statutes to be officers of the University.

13. (1) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Chancellor shall, by virtue of his office, be the head of the University and shall, if present, preside at the Convocations of the University held for conferring degrees and meetings of the Court.

14. (1) The Vice-Chancellor shall be appointed by the Visitor in such manner and on such terms and conditions of service as may be prescribed by the Statutes.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority at its next meeting the action taken by him on such matter.

Provided that such exercise of power shall be made only in emergent situations and in no case in respect of creation, and upgradation of posts and appointments thereto:

Provided further that if authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Visitor whose decision thereon shall be final:

Provided also that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Executive Council within three months from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) The Vice-Chancellor, if he is of the opinion that any decision of any authority of the University is beyond the powers of the authority conferred by the provisions of this Act, the Statutes or the Ordinances or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or in part or on decision is taken by it within the said period of sixty days, the matter shall be referred to the Visitor whose decision thereon shall be final.

(5) The Vice-chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

15. The Pro-Vice-Chancellor shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

The Pro-Vice
Chancellor

The Deans of
Faculties.

16. Every Dean of Faculty shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

The Registrar

17. (1) The Registrar shall be appointed in such manner and on such terms and conditions of service as may be prescribed by the Statutes.

(2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

The Finance Officer

18. The Finance Officer shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

Other Officers

19. The manner of appointment and powers and duties of other officers of the University shall be prescribed by the Statutes.

Authorities of
University.

20. The following shall be the authorities of the University:—

- (1) The Court;
- (2) The Executive Council;
- (3) The Academic Council ;
- (4) The Boards of Faculties;
- (5) The Finance Committee; and

The Court

(6) such other authorities as may be declared by the Statutes to be authorities of the University.

21. (1) The constitution of the Court and the term of office of its members shall be prescribed by the Statutes.

(2) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:—

The Executive Council.

(a) to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement and development of the University;

(b) to consider and pass resolutions on the annual report and annual accounts of the University and the audit report on such accounts;

The Academic Council

(c) to advise the Visitor in respect of any matter which may be referred to it for advice; and

(d) to perform such other functions may be prescribed by the Statutes.

22. (1) The Executive Council shall be the principal executive body of the University.

The Finance Committee

(2) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes.

Other authorities

23. (1) The Academic Council shall be the principal academic body of the University and shall, subject to provisions of this Act, the Statutes and the Ordinances, co-ordinate and exercise general supervision over the academic policies of the University.

(2) The constitution of the Academic Council, the term of office its members and its power and functions shall be prescribed by the Statutes.

The Faculties and Departments.

24. The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.

25. The constitution, powers and functions of the Boards of Faculties and such other authorities as may be declared by the Statutes to be authorities of the University shall be prescribed by the Statutes.

Power to make Statutes.

26. (1) The University shall have such Faculties as are prescribed by the Statutes.

(2) Each Faculty shall have such Departments as are prescribed by the Statutes, and each Department shall have such subjects of study as may be assigned to it by the Ordinances.

27. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) The constitution, powers and functions of the authorities and other bodies of the University as may be constituted from time to time;

(b) The appointment and continuance in office of the members of the said authorities and bodies, the filling up of vacancies of members, and all other matters relating to those authorities and bodies for which it may be necessary or desirable to provide;

(c) The appointment, powers and duties of the officers of the University and their emoluments and conditions of service;

(d) The appointment of teacher, academic staff and other employees of the University, their emoluments and conditions of service;

(e) The recognition of persons as University recognised teachers.

(f) The declaration of persons working in other Universities or other organisation as teachers of the University for a specified period;

(g) The conditions of service of employees of the University including provisions for pension, insurance and provident fund, the manner of termination of service and disciplinary action relating to such employees;

(h) The principal governing the seniority of service of the employees of the University;

(i) The procedure for arbitration in cases of dispute between employees or students and the University;

(j) The procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University;

(k) The conditions under which colleges and institutions may be admitted to the privileges of the University and the withdrawal of such privileges.

(l) The establishment and abolition of Faculties, Departments, University Institutes, Centres and University Colleges;

(m) The conferment of autonomous status on a college or institution or a Department and the withdrawal of such status;

(n) The conferment of honorary degrees;

(o) The withdrawal of degrees, diplomas, certificates and other academic distinctions;

Statutes, how to be made.

(p) The registration of graduates;

(q) The delegation of powers vested in the authorities or officers of the University;

(r) The maintenance of discipline among the employees and students; and

(s) all other matters which by this Act are to be or may be provided for by the Statutes.

28. 1) The First Statutes are those set out in the Schedule.

(2) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1):

Provided that the Executive Council shall not make, amend or repeal any Statutes affecting the Status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council.

(3) Every new Statutes or addition to the Statutes or any amendment or repeal of a Statutes shall require the assent of the Visitor who may assent thereto or withhold assent or remit to the Executive Council for re-consideration.

(4) A new Statutes or a Statutes amending or repealing and existing Statutes shall have no validity unless it has been assented to by the Visitor.

(5) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may make new or additional Statutes, or amend or repeal the Statutes referred to in sub-section (1), during the period of three years immediately after the commencement of this Act;

Provided that the Visitor may, on the expiry of the said period of three years, make within one year from the date of such expiry, such detailed Statutes as he may consider necessary and such detailed Statutes shall be laid before both Houses of Parliament.

Power to make
Ordinances.

(6) Notwithstanding anything contained in this section, the Visitor may direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Executive Council is unable to implement such direction within sixty days of its receipt, the Visitor may, after considering the reasons, if any, communicated by the Executive Council for its inability to comply with such direction, make or amend the Statutes suitably.

29. (1) Subject to the provisions of this Act and Statutes, the Ordinances may provide for all or of the following matter, namely:—

(a) The admission and enrolment of students to the University and institutions maintained by or admitted to the privileges of the University;

(b) The courses of study to be laid down for all degrees, diplomas and certificates of the University.

(c) The medium of instruction and examination;

(d) The award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;

(e) The fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of University;

(f) The institution of, and conditions for award of fellowships, scholarships, studentships, medals and prizes;

(g) The conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;

(h) The conditions of residence of students of the University;

(i) The special arrangements, if any, which may be made for the residence, discipline and teaching of women students and the prescribing of special courses of studies for them;

(j) The establishment of Centres, University Institutes, Boards of Studies Specialised Laboratories and Committees;

(k) The creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;

(l) The manner of co-operation and collaboration with other Universities, Institutions and other Agencies including learned bodies or associations;

(m) The setting up of a machinery for redressal of grievances of employees; and

(n) All other matters which by this act or the Statutes, are to be or may be, provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government and the Ordinances to made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes.

30. The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances and such matters as may be prescribed by the Statutes or the Ordinances.

Regulations.

31. (1) The annual report of the University shall be prepared under the direction of the Executive Council, which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects and shall be submitted to the Court on or after such date as may be prescribed by the Statutes and the Court shall consider the report in its annual meeting.

Annual report

(2) The Court shall submit the annual report to the Visitor along with its comments, if any.

(3) A copy of the annual report, as prepared under sub-section (1), shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

32. (1) The annual accounts and balance sheet of the University shall be prepared under the directions of the Executive Council and shall once at least every year, and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor General of India or by such persons as he may authorise in this behalf.

Accounts and audit.

(2) A copy of the annual accounts together with the audit report there on shall be submitted to the Court and the Visitor along with the observations of the Executive Council.

(3) Any observations made by the Visitor on the annual accounts shall be brought to the notice of the Court and the observations, of the Court, if any, shall, after being considered by the Executive Council, be submitted to the Visitor.

(4) A copy of the annual accounts together with the audit report as submitted to the Visitor, shall also be submitted to the Central Government which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

(5) The audited annual accounts after having been laid before both houses of Parliament shall be published in the Gazette of India.

33. The University shall furnish to the Central Government such returns or other information with respect to its property or activities as the Central Government may, from time to time require.

Furnishing returns, etc.

34. (1) Every employee of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

Conditions of service of employees.

(2) Any dispute arising out of the contract between the University and

any employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the employee concerned and an umpire appointed by the Visitor.

(3) The decision of the Tribunal shall be final and no suit shall lie in any civil court in respect of the matters decided by the Tribunal.

(4) Every request made by the employee under sub-section (2), shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration and Conciliation Act, 1996.

26 of 1996.

(5) The procedure for regulating the work of the Tribunal shall be prescribed by the Statutes.

Procedure of appeal and arbitration in disciplinary cases against students.

35. (1) Any student or candidate for an examination whose name has been removed from the rolls of the University by the orders or resolution of the Vice-Chancellor, Discipline Committee or examination Committee, as the case may be, and who has been debarred from appearing at the examinations of the University for more than one year, may, within ten days of the date of receipt of such orders or copy of such resolution by him, appeal to the Executive Council and the Executive Council may confirm, modify or reserve the decision of the Vice-Chancellor or the Committee, as the case may be.

(2) Any dispute arising out of any discipline action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of sub-sections (2), (3), (4) and (5) of section 34 shall, as far as may be apply to a reference made under this sub-section.

Right to appeal

36. Every employee or student of the University or of an Institution maintained by the University or admitted to its privileges shall, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed by the Statutes, to the Executive Council against the decision of any officer or authority of the University, and thereupon the Executive Council may confirm, modify or reserve the decision appealed against.

Provident and pension funds.

37. (1) The University shall constitute for the benefit of its employees such provident fund or pension fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed by the Stautes.

(2) Where such provident fund or pension fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund as if it were a Government provident fund.

19 of 1925,

Disputes as to constitution of University authorities and bodies.

38. If any question arises as to whether any person has been duly appointed or elected as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Visitor whose decision thereon shall be final.

Filling of casual vacancies.

39. All casual vacancies among the members, other than *ex officio* members, of any authority or other body of the University shall be filled, as soon as may be, by the person or body who appoints, elects or co-opts the member

	whose place has become vacant and person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fill would have been member.	
Proceedings of University authorities or bodies not invalidated by vacancies.	40. Not act or proceedings of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.	
Protection of action taken in good faith	41. No suit or other legal proceeding shall lie against any officer or other employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.	
Mode of proof of University record.	42. Notwithstanding anything contained in the Indian Evidence Act, 1872 or in any other law for the time being in force, a copy of any receipt, application, notice, order, proceeding or resolution of any authority or other body of the University, or any other document in possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as prima facie evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein where the original thereof would, if produced, have been admissible in evidence.	1 of 1872
	43. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty; Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act. (2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.	Power to remove difficulties.
	44. (1) Every Statutes, Ordinance or Regulation made under this Act shall be published in the Official Gazette.	Statutes Ordinances and
	(2) Every Statute, Ordinance or Regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute, Ordinance or Regulation or both Houses agree that the Statute, Ordinance or Regulation should not be made, the Statute, Ordinance or Regulation shall thereafter have effect only in such modified form or be of no	Regulation to be published in the Official Gazette and to be laid before Parliament.

effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute, Ordinance or Regulation.

(3) The power to make Statutes, Ordinances or Regulations shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the Statute, Ordinance or Regulations or any of them but no retrospective effect shall be given to any Statute, Ordinance or Regulation so as to prejudicially affect the interests of any person to whom such Statutes, Ordinance or Regulation may be applicable.

45. (1) Notwithstanding anything contained in this Act and the Statutes,—

Transitional provisions.

(a) The first Chancellor and the first Vice-Chancellor shall be appointed by the Central Government in such manner and on such conditions as may be deemed fit and each of the said officers shall hold office for such term, not exceeding five years, as may be specified by the Central Government;

(b) The first Registrar and the first Finance Officer shall be appointed by the Central Government and each of the said officers shall hold office for a term of three years;

(c) The first Court and the first Executive Council shall consist of not more than thirty-one members and fifteen members, respectively, who shall be nominated by the Central Government and shall hold office for a term of three years;

(d) The first Academic Council shall consist of not more than thirty-one members, who shall be nominated by the Central Government and shall hold office for a term of three years;

Provided that if any vacancy occurs in the above -mentioned offices or authorities, the same shall be filled by the appointment or nomination, as the case may be, by the Central Government, and the person so appointed or nominated shall hold office for so long as the officer or member in whose place he is appointed or nominated shall hold office for so long as the officer or member in whose place he is appointed or nominated would have held office if such vacancy had not occurred.

President's Act 10 of 1973.

(2) Till such time as the first Ordinances are not made under sub-section (2) of section 29, in respect of the matters that are to be provided for by the Ordinances under this Act and Statutes, the relevant provisions of the Statutes and the Ordinance made immediately before the commencement of this Act under the provisions of the Uttar Pradesh State Universities Act, 1973 shall be applicable in so far as they are not inconsistent with the provisions of this Act and the Statutes.

Amendment of President's Act 10 of 1973.

46. (1) In Uttar Pradesh State Universities Act, 1973,—

(a) The word "Allahabad," except in clause (b) of sub-section (2) of section 12, sub-section (1) of section 31B, clause (b) of sub-section (1) of section 74, clause (j) of sub-section (3) of section 74, entries relating to Serial No. 5 in the Schedule. where ever it occurs, shall be omitted;

(b) in the Schedule, Serial No.2 and the entries relating thereto shall be omitted.

(2) Notwithstanding such omission,—

(a) all appointments made, orders issued, degrees and other academic distinctions conferred, diplomas and certificates awarded, privileges granted, or other things done (including the registration of graduates) under the Uttar Pradesh State Universities Act, 1973, shall be deemed to have been respectively made, issued, conferred, awarded, granted or done under the corresponding provisions of this Act and, except as otherwise provided by or this act or the Statutes, continue in force unless and until they are superseded by any order made under this Act or Statutes; and

President's Act 10
of 1973.

(b) all proceedings of Selection Committees for the appointment or promotion of teachers that took place before the commencement of this Act and all actions of the Executive Council in respect of the recommendations of such Selection Committees where no orders of appointment on the basis thereof were passed before the commencement of this Act shall, notwithstanding that the procedure for selection has been modified by this Act, be deemed to have been valid but further proceeding in connection with such pending selections shall be taken in accordance with the provisions of this Act and be continued from the stage where they stood immediately before such commencement, except if the concerned authorities take, with the approval of the Visitor, a decision to the contrary.

THE SCHEDULE

(See Section 28)

THE STATUTES OF THE UNIVERSITY

1. (1) The Chancellor shall be appointed by the Visitor from a panel of not less than three persons recommended by the Executive Council from amongst persons of eminence in the academic or public life of the country:

The Chancellor.

Provided that if the Visitor does not approve of any of the persons so recommended, he may call for fresh recommendations from the Executive Council.

(2) The Chancellor shall hold office for a term of five years and shall not be eligible for re-appointment:

Provided that notwithstanding the expiry of his term of office the Chancellor shall continue to hold office until his successor enters upon his office.

2. (1) The Vice-Chancellor shall be appointed by the visitor from a panel of not less, than three persons who shall be recommended by a Committee as constituted under clause (2):

The Vice-Chancellor.

Provided that if the Visitor does not approve of any of the persons included in the panel, he may call for an extended or a fresh panel.

(2) The Committee referred to in clause (1) shall consist of three persons, out of whom two shall be nominated by the Executive Council any one by the Visitor and the nominee of the Visitor shall be the convener of the Committee:

Provided that none of the members of the Committee shall be an employee of the University or an institution maintained by, or admitted to the privileges of, the University or a member of any authority of the University.

(3) The Vice-Chancellor shall be a whole-time salaried officer of the University.

(4) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office, or until he attains the age of sixty-five years, whichever is earlier, and he shall not be eligible for re-appointment.

Provided that notwithstanding the expiry of the said period of five years, he shall continue in office until his successor is appointed and enters upon his office.

Provided further that the Visitor may direct any Vice-Chancellor after his term has expired, to continue in office for such period, not exceeding a total period of one year, as may be specified by him or till his successor is appointed and enters upon his office, which ever is earlier.

(5) The emoluments and other conditions of service of the Vice-Chancellor shall be as follows:—

(i) the Vice-Chancellor shall be paid a monthly salary and allowances, other than house rent allowance, at the rates fixed by the Central Government from time to time and he shall be entitled, without payment of rent, to use a furnished residence throughout his term of office and no charge

shall fall on the Vice-Chancellor in respect of the maintenance of such residence;

(ii) the Vice-Chancellor shall be entitled to such terminal benefits and allowances as may be fixed by the Central Government from time to time.

Provided that where an employee of the University, or a college or an institution maintained by, or admitted to the privileges of, the University, or of any other University or any college or institution maintained by or admitted to the privileges of, such other University, is appointed as the Vice Chancellor, he may be allowed to continue to contribute to any provident fund of which he is a member and the University shall contribute to the account of such person in that provident fund at the same rate at which the person had been contributing immediately before his appointment as the Vice-Chancellor.

Provided further that where such employee had been member of any pension scheme, the University shall make the necessary contribution to such scheme,

(iii) the Vice-Chancellor shall be entitled to travelling allowance at such rates as may be fixed by the Executive Council;

(iv) the Vice-Chancellor shall be entitled to leave on full pay at the rate of thirty days in a calendar year and the leave shall be credited to his account in advance in two half-yearly instalments of fifteen days each on the first day of January and July every year:

Provided that if the Vice-Chancellor assumes or relinquishes charge of the office of the Vice-Chancellor during the currency of a half year, the leave shall be credited proportionately at the rate of two and a-half days for each completed month of service;

(v) in addition to the leave referred to in sub-clause (iv), the Vice-Chancellor shall also be entitled to half-pay leave at the rate of twenty days for each completed year of service, and half-pay leave may also be availed of as commuted leave on full pay on medical certified:

Provided that when such commuted leave is availed of, twice the amount of half-pay leave shall be debited against half-pay leave due.

(6) If the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise, or if he is unable to perform his duties due to ill-health or any other cause, the Pro-Vice-Chancellor shall perform the duties of the Vice-Chancellor:

Provided that if the Pro-Vice-Chancellor is not available, the senior most Professor shall perform the duties of the Vice-Chancellor until a new Vice-Chancellor assumes office or until the existing Vice-Chancellor resumes the duties of his office, as the case may be.

Powers and duties
of the Vice-
Chancellor.

3. (1) The Vice-Chancellor shall be *ex officio* Chairman of the Executive Council, the Academic Council and the Finance Committee and shall, in the absence of the Chancellor, preside at the Convocations held for conferring degrees and at meetings of the Court.

(2) The Vice-Chancellor shall be entitled to be present at, and address, any meeting of any authority or other body of the University, but shall not be entitled to vote there at unless he is a member of such authority or body.

(3) It shall be the duty of the Vice-Chancellor to see that this Act, the Statutes, the Ordinances and the Regulations are duly observed and he shall have all the powers necessary to ensure such observance.

(4) The Vice-Chancellor shall have all the powers necessary for the proper maintenance of discipline in the University and he may delegate any such powers to such person or persons as he deems fit.

(5) The Vice-Chancellor shall have the power to convene or cause to be convened the meetings of the Executive Council, the Academic Council and the Finance Committee.

Pro- Vice-
Chancellor.

4.(1) The Pro-Vice-Chancellor shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor:

Provided that where the recommendation of the Vice-Chancellor is not accepted by the Executive Council, the matter shall be referred to the Visitor who may either appoint the person recommended by the Vice-Chancellor or ask the Vice-Chancellor to recommend another person to the Executive Council:

Provided further that the Executive Council may, on the recommendation of the Vice-Chancellor, appoint a Professor to discharge the duties of a Pro-Vice-Chancellor in addition to his own duties as a Professor.

(2) The term of office of a Pro-Vice-Chancellor shall be such as may be decided by the Executive Council but it shall not in any case exceed five years or until the expiration of the term of office of the Vice-Chancellor, whichever is earlier:

Provided that a Pro- Vice-Chancellor whose term of office has expired shall be eligible for re-appointment:

Provided further that, in any case, a Pro-Vice-Chancellor shall retire on attaining the age of sixty-five years:

Provided also that a Pro-Vice-Chancellor shall, while discharging the duties of the Vice-Chancellor under clause (6) of Statute 1, continue in office notwithstanding the expiration of his term of office as Pro-Vice-Chancellor, until the Vice-Chancellor resumes office or a new Vice - Chancellor assumes office, as the case may be.

(3) The emoluments and other terms and conditions of service of a Pro-Vice-Chancellor shall be such as may be prescribed by the Ordinances.

(4) The Pro-Vice-Chancellor shall assist the Vice-Chancellor in respect of such matters as may be specified by the Vice-Chancellor in this behalf, from time to time, and shall also exercise such powers and perform such duties as may be assigned or delegated to him by the Vice-Chancellor.

5. (1) Every Dean of Faculty shall be appointed by the Vice-Chancellor from amongst the Professors in the Faculty by rotation in the order of seniority for a period of three years:

Deans of Faculties.

Provided that in case there is only one professor or no Professor in a Faculty, the Dean shall be appointed, for the time being, from amongst the Professor, if any, and the Readers in the Faculty by rotation in the order of seniority:

Provided further that in the case of a Faculty comprising a University College, the Principal of such University College shall be the *ex officio* Dean of the Faculty.

(2) When the office of the Dean is vacant or when the Dean is, by reason of illness, absence or any other cause, unable to perform duties of his office, the duties of the office shall be performed by the senior-most Professor or Reader, as the case may be, in the Faculty.

(3) The Dean shall be the *ex officio* Chairman of the Board of the Faculty and shall be responsible for the conduct and maintenance of the standards of teaching and research in the Faculty and shall have such other functions as may be prescribed by the Ordinances.

(4) The Dean shall have the right to be present and to speak at any meeting of the Boards of Studies or Committees of the Faculty, but shall not have the right to vote thereat unless he is a member thereof.

(5) Notwithstanding anything contained in clause (1), every teacher serving as Dean of a Faculty immediately before the appointed day, shall continue as such up to the date on which he would have continued as Dean if the Act had not been enacted and thereafter the Dean of the concerned Faculty shall be appointed in accordance with the provisions of clause (1) above.

6. (1) The Registrar shall be appointed by the Executive Council on the recommendation of a Selection Committee constituted for the purpose and shall be a whole-time salaried officer of the University.

The Registrar.

(2) He shall be appointed for a term of five years and shall be eligible for re appointment:

(3) The emoluments and other terms and conditions of service of the Registrar shall be such as may be prescribed by the Ordinances:

Provided that the Registrar shall retire on attaining the age of sixty-two years:

Provided further that a Registrar shall, notwithstanding his attaining the age of sixty-two years, continue in office until successor is appointed and enters upon his office or until the expiry of a period of one year, whichever is earlier.

(4) When the office of the Registrar is vacant or when the Registrar is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(5) (a) The Registrar shall have power to take disciplinary action against such of the employees, excluding teachers and other academic staff, as may be specified in the order of the Executive Council and to suspend them pending inquiry, to administer warnings to them or to impose on them the penalty of censure or the withholding of increment:

Provided that no such penalty shall be imposed unless the person has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(b) An appeal shall lie to the Vice-Chancellor against any order of the

Registrar imposing any of the penalties specified in sub-clause (a).

(c) In a case where the inquiry discloses that a punishment beyond the power of the Registrar is called for, the Registrar shall, upon the concluding of the inquiry, make a report to the Vice-Chancellor along with his recommendations:

Provided that an appeal shall lie to the Executive Council against an order of the Vice-Chancellor imposing any penalty.

(6) The Registrar shall be *ex officio* Secretary of the Court, the Executive Council and the Academic Council, but shall not be deemed to be a member of any of these authorities.

(7) It shall be the duty of the Registrar—

(a) to be the custodian of the records, the common seal and such other property of the University as the Executive Council shall commit to his charge;

(b) to issue all notices convening meetings of the Court, the Executive Council, and the Academic Council, the college development council and if any Committees appointed by those authorities;

(c) to keep the minutes of all the meetings of the Court, the Executive Council and the Academic Council and of any Committees appointed by those authorities;

(d) to conduct the official correspondence of the Court, the Executive Council and Academic Council;

(e) to arrange for and superintend the examinations of the University in the manner prescribed by the Ordinances;

(f) to supply to the Visitor copies of the agenda of the meetings of the authorities of the University as soon as they are issued and the minutes of such meetings;

(g) to represent the University in suits or proceedings by or against the University, sign powers of attorney and verify pleadings or depute his representative for the purpose; and

(h) to perform such other duties as may be specified in the Statutes, the Ordinances or the Regulations or as may be required from time to time by the Executive Council or the Vice-Chancellor.

The Finance
Officer.

7. (1) The Finance Officer shall be appointed by the Executive Council on the recommendations of a Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(2) The Finance Officer shall be appointed for a term of five years and shall be eligible for re-appointment.

(3) The emoluments and other terms and conditions of service of the Finance Officer shall be such as may be prescribed by the Ordinances:

Provided that the Finance Officer shall retire on attaining the age of sixty years:

Provided further that the Finance Officer shall, notwithstanding his attaining the age of sixty years, continue in office until his successor is

appointed and enters upon his office or until the expiry of a period of one year, whichever is earlier.

(4) When the office of the Finance Officer is vacant or when the Finance Officer is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(5) the Finance Officer shall be *ex officio* Secretary of the Finance Committee, but shall not be deemed to be a member of such Committee.

(6) The Finance Officer shall—

(a) exercise general supervision over the funds of the University and shall advise it as regards its financial policy; and

(b) perform such other financial functions as may be assigned to him by the Executive Council or as may be prescribed by the Statutes or the Ordinances.

(7) Subject to the control of the Executive Council, the Finance Officer shall—

(a) hold and manage the property and investments of the University including trust and endowed property;

(b) ensure that the limits fixed by the Executive Council for recurring and non-recurring expenditure for a year are not exceeded and that all moneys are expended on the purpose for which they are granted or allotted;

(c) be responsible for the preparation of annual accounts and the budget of the University and for their presentation to the Executive Council;

(d) keep a constant watch on the state of the cash and bank balances and on the state of investments;

(e) watch the progress of the collection of revenue and advise on the methods of collection employed;

(f) ensure that the registers of buildings, land, furniture and equipment are maintained up to -date and that stock checking is conducted, of equipment and other consumable materials in all offices, Departments, University Institutes, Centres and Specialised Laboratories;

(g) bring to the notice of the Vice-Chancellor unauthorised expenditure and other financial irregularities and suggest disciplinary action against person at fault; and

(h) call for from any office, Department, University Institute, Independent Centre, Specialised Laboratory or User Facility maintained by the University any information or returns that he may consider necessary for the performance of his duties.

(8) Any receipt given by the Finance Officer or the person or persons duly authorised in this behalf by the Executive Council for any money payable to the University shall be sufficient discharge for payment of such money.

The Court.

8. (1) The Court shall consist of the following members, namely:—

(a) *Ex officio Members*

- (i) the Chancellor ;
- (ii) the Vice-Chancellor;
- (iii) the Pro-Vice -Chancellor, if any;
- (iv) the members of the Executive Council other than the Vice-Chancellor, the Pro-Vice-Chancellor and the Deans of Faculties;
- (v) the Deans of Faculties;
- (vi) the Finance Officer;
- (vii) the Dean of Research and Development, in case he is not a member under any other provision of this sub-clause;
- (viii) the Dean of College Development, in case he is not a member under any other provision of this sub-clause;
- (ix) the Librarian;
- (x) such Heads of Departments, Directors of University Institutes, Directors of Constituents Institutes and Heads of Centres which are not comprised in any University Institute, as are not members under any other provision of this sub-clause; and
- (xi) two Principals of Constituents Colleges, to be selected by rotation in the order of length of substantive service as Principals.

(b) Representatives of the academic staff

- (i) five Professors, three Readers and three Lecturers from among the University appointed teachers of the Faculties, to be selected by rotation in the order of seniority;
- (ii) one Professor, one Reader and one Lecturer from among the University recognised teachers of the University Colleges, to be selected by rotation in the order of seniority;
- (iii) two Professors, two Readers and two Lecturers from among the teachers of the University Institutes, to be selected by rotation in the order of seniority;
- (iv) two Professors, one Reader and one Lecturer from among the University recognised teachers of the Constituent Institutes, to be selected by rotation in the order of seniority ; and
- (v) six persons from among the University recognised teachers of the Constituent Colleges, to be selected by rotation in the order of seniority, of whom at least two shall be Lecturers.

(c) Representatives of Students

one Student from each group of subject assigned to the Faculties who, having secured the highest marks in that group of subjects at the preceding degree examination of the University, is pursuing a course of study for a Post graduate degree in the same group of subjects in the University or in college or institution maintained by the University or admitted to the privileges of the University:

Provided that a representative of students shall no longer continue as

such representative on the termination of his enrolment as a student.

(d) Representatives of Registered Graduates

ten representatives of the registered Graduates, not being persons in the service or students of the University or an institution maintained by or admitted to the privileges of the University or a member of the management of such institution, to be co-opted by the Court in accordance with the procedure laid down in the Regulations.

(e) Representatives of Parliament

(i) three representatives of Parliament, two to be elected by the Lok Sabha from amongst its own members, in such manner as the Speaker may direct, and one to be elected by the Rajya Sabha from amongst its own members, in such manner as the Chairman may direct:

Provided that consequent upon a Member of Parliament becoming a Minister or Speaker/ Deputy Speaker, Lok Sabha or Deputy Chairman, Rajya Sabha, his election to the Court shall be deemed to have been terminated.

(f) Nominees of the Visitor, the Chief Rector and the Chancellor

(i) seven persons representing learned professions and special interests, including representatives of Industry, Commerce, Labour and Agriculture, to be nominated by the Visitor;

(ii) two eminent educationists, to be nominated by the Chief Rector; and

(iii) three persons of distinction in public life, to be nominated by the Chancellor.

(2) The term of office of the members of the Court under sub-clauses (a), (b), (e) and (f) of clause (1) shall be three years and under sub-clauses (c) and (d) thereof shall be one year.

(3) An annual meeting of the Court shall be held on a date to be fixed by the Executive Council unless some other date has been fixed by the Court in respect of any year.

(4) At the annual meeting of the Court, a report on the working of the University during the previous year, together with a statement of the receipts and expenditure, the balance sheet as audited, and the financial estimates for the next year shall be presented.

(5) A copy of the statement of receipts and expenditure, the balance sheet and the financial estimates referred to in clause (4) shall be sent to every member of the Court at least seven days before the date of the annual meeting.

(6) Special meetings of the Court may be convened by the Executive Council or the Vice-Chancellor or if there is no Vice-Chancellor, the Pro - Vice-Chancellor or if there is no Pro-Vice -Chancellor, by the Registrar.

(7) Twenty-five members of the Court shall form a quorum for a meeting of the Court.

9. (1) The Executive Council shall consist of the following members, namely:—

(a) the Vice-Chancellor;

The Executive
Council.

- (b) the Pro-Vice Chancellor, if any;
 - (c) three Deans of Faculties, to be selected by rotation in the order in which the Faculties are enumerated in clause (1) to Statute 14;
 - (d) one Director of a Constituent Institute, to be selected by rotation in the order of length of substantive service as such Director;
 - (e) one Principal of a Constituent College, to be selected by rotation in the order of length of substantive service as such Principal;
 - (f) two Professors, two Readers and two Lecturers from among the University appointed teachers, to be selected by rotation in the order of seniority;
 - (g) one person from among the University recognised teachers of University Colleges, to be selected by rotation in the order of seniority;
 - (h) two persons from among the University recognised teachers of Constituent Institutes, to be selected by rotation in the order of seniority, of whom at least one shall be a Lecturer;
 - (i) three persons from among the university recognised teachers of Constituent Colleges, to be selected by rotation in the order of seniority, of whom at least one shall be a Lecturer;
 - (j) four persons to be nominated by the Visitor;
 - (k) one person of academic eminence to be nominated by the Chief Rector; and
 - (l) one person of academic eminence to be nominated by the Chancellor.
- (2) The term of office of members of the Executive Council under sub-clauses (c) to (g) of clause (1) shall be two years, and of members under sub-clauses (h) to (j) thereof shall be three years.
- (3) No person shall continue to be a member of the Executive Council in more than one capacity, and whenever a person becomes such member in more than one capacity, he shall within two weeks thereof intimate to the Registrar in writing as to the capacity in which he desires to be such member and vacate the other seat, failing which the seat held by him earlier in point of time shall be deemed to have been vacated.
- (4) Seven members of the Executive Council shall form a quorum for a meeting of the Executive Council.

10. (1) The Executive Council shall have the power of management and administration of the revenues and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

Powers and functions of the executive Council.

(2) Subject to the provisions of the Act, the Statutes and the Ordinances, the Executive Council shall, in addition to all other powers vested in it, have the following powers, namely:—

- (i) to create teaching and other academic posts, to determine the number and emoluments of such posts and to define the duties and conditions of service of Professors, Readers, Lecturers and other academic

staff.

Provided that no action shall be taken by the Executive Council in respect of the number and qualifications of teachers and other academic staff, otherwise than after consideration of the recommendations of the Academic Council;

(ii) to appoint such Professors, Readers, Lecturers and other academic staff, as may be necessary, and the Directors of University Institutes and Heads of independent Centres on the recommendations of the Selection Committee constituted for the purpose and to fill up temporary vacancies therein;

(iii) to recognise persons as University recognised teachers in the manner prescribed by the Ordinances;

(iv) to create administrative, ministerial and other necessary posts (including Chairs) and to make appointments thereto in the manner prescribed by the Ordinances;

(v) to grant leave of absence to any salaried officer of the University other than the Vice-Chancellor, and to make necessary arrangements for the discharge of the functions of such officer during his absence;

(vi) to regulate and enforce discipline among employees in accordance with the Statutes and the Ordinances;

(vii) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University and for that purpose to appoint such agents as it may think fit;

(viii) to fix limits on the total recurring and the total non-recurring expenditure for a year on the recommendation of the Finance Committee;

(ix) to invest any money belonging to the University, including any unapplied income, in such stocks, funds, share or securities, from time to time as it may think fit or in the purchase of immovable property in India, with the like powers of varying such investment from time to time;

(x) to transfer or accept transfers of any movable or immovable property on behalf of the University;

(xi) to provide buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;

(xii) to enter into, vary, carry out and cancel contracts on behalf of the University;

(xiii) to entertain, adjudicate upon, and if thought fit, to redress any grievances of the employees and students of the University who may, for any reason, feel aggrieved;

(xiv) to appoint examiners and moderators and, if necessary, to remove them, and fix their fees, emoluments and travelling and other allowances, after consulting the Academic Council;

(xv) to select a common seal for the University and provide for the custody and use of such seal;

(xvi) to make such special arrangements as may be necessary for the residence and discipline of women students;

(xvii) to Institute fellowships, scholarships, studentships, medals and prizes;

(xviii) to provide for the appointment of Visiting Professors, Emeritus Professors, Consultants and Scholars and determine the terms and conditions of such appointments; and

The Academic
Council

(xix) to exercise such other powers and perform such other duties as may be conferred or imposed on it by the Act or the Statutes.

11. (1) The Academic Council shall consist of the following members, namely:—

- (a) the Vice-Chancellor;
- (b) the Pro-Vice-Chancellor, if any;
- (c) the Deans of the Faculties;
- (d) the Dean of Research and Development;
- (e) the Dean of Students Welfare;
- (f) the Dean of College Development;
- (g) the Librarian;

(h) such Heads of Departments, Directors of University Institutes and Heads of Centres not comprised in any University Institute, as are not members under sub-clauses (b) to (f);

Provided that where a subject assigned to any Faculty is not placed under any Department, the Chairman of the Board of Studies of the subject shall be a member of the Academic Council in case he is not already a member under sub-clauses (b) to (g);

(i) one Professor, one Reader and one Lecturer from each Faculty, selected by rotation in the order of seniority of Professors, Readers or Lecturer, as the case may be, of the concerned Faculty;

(j) the Directors of Constituent Institutes;

(k) one Professor (not being Director) of each Constituent Institute, selected by rotation in the order of seniority;

(l) two Principals of Constituent Colleges, selected by rotation in the order of length of substantive service as Principal;

(m) two members of the academic staff (not being Principals) of Constituent Colleges from each group of subject assigned to a Faculty of the University, selected by rotation in the order of seniority as such members of the academic staff of the concerned group of subject; and

(n) five persons, not being persons of academic excellence in the service of the University or a college or an institution admitted to the privileges of the University, to be co-opted by the Academic Council.

(2) The term of office of members (*other than ex officio members*) of the

Academic Council shall be three years.

(3) Twenty-five members of the Academic Council shall form a quorum for a meeting of the Academic Council.

Powers and
functions of the
Academic Council.

12. Subject to the provisions of the Act, the Statutes and the Ordinances, the Academic Council shall, in addition to all other powers vested in it, have the following powers, namely:—

(a) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instruction, co-ordination of teaching among the Constituent Colleges, evaluation of research and maintenance and improvement of academic standards;

(b) to promote co-ordination between Faculties, Departments, University Institutes and independent Centres, collaboration between the University and Constituent Institutes and establish such committees, boards or schools as may be deemed necessary for these purposes;

(c) to consider matters of general academic interest either on its own initiative, or on a reference by a Faculty, University Institutes, independent Centres or Constituent Institute or the Executive Council, and to take appropriate action thereon;

(d) to advise the Executive Council on all academic matters, including—

(i) matters relating to the examinations conducted by the University;

(ii) the qualifications required to be possessed by persons imparting instruction in particular subjects for the degrees of the University; and

(iii) matters referred to it for advice by the Executive Council;

(e) to consider and approve proposals submitted by the Boards of Studies through the Boards of Faculties or by University Institutes or Independent Centres or Constituent Institutes in respect of courses of study and research degree programmes;

(f) to recommend for the consideration of the Executive Council the principles and criteria on which examiners and Inspectors for various kinds of inspection of the University Colleges, Constituent Institutes and Constituent Colleges may be appointed; and

(g) to frame such regulations and rules consistent with the Statutes and the Ordinances regarding the academic functioning of the University, discipline, residence, admissions, award of fellowships, scholarship, studentships, medals and prizes, fees, concessions, corporate life and attendance.

13. (1) The Finance Committee shall consist of the following member, namely:—

(i) the Vice-Chancellor;

(ii) the pro-Vice-Chancellor;

(iii) three persons to be nominated by the Executive Council, out of whom at least one shall be a member of the Executive Council; and

(iv) three persons to be nominated by the Visitor.

The Finance
Committee.

(2) Five members of the Finance Committee shall form a quorum for a meeting of the Finance Committee.

(3) All the members of the Finance Committee, other than *ex officio* members, shall hold office for a term of three years.

(4) A member of the Finance Committee shall have the right to record a minute of dissent if he does not agree with any decision of the Finance Committee.

(5) The Finance Committee shall meet at least thrice every year to examine the accounts and to scrutinise proposals for expenditure.

(6) All proposals relating to creation of posts, and those items which have not been included in the Budget, shall be examined by the Finance Committee before they are considered by the Executive Council.

(7) The annual accounts and the financial estimates of the University prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Executive Council for approval.

(8) The Finance Committee shall recommend limits for the total recurring expenditure and total non-recurring expenditure for the year, based on the income and resources of the University (which, in the case of productive works, may include the proceeds of loans).

14.(1) The University shall have the following Faculties, namely:-

Faculties, and
Departments.

- (i) the Faculty of Arts;
- (ii) the Faculty of Commerce;
- (iii) the Faculty of Law;
- (iv) the Faculty of Medicine; and
- (v) the Faculty of Science.

(2) The constitution and term of office of members of the Board of each Faculty, its powers and functions and the provisions in respect of the meetings thereof shall be prescribed by the Ordinances.

Provided that the first Board of each Faculty shall be nominated by the Executive Council and shall hold office for a period of one year.

(3) The Faculty of Arts shall consist of the following Departments, namely:-

- (i) Ancient History, Culture and Archaeology;
- (ii) Anthropology;
- (iii) Arabic and Persian;
- (iv) Education;
- (v) English and Modern European Languages;
- (vi) Geography;
- (vii) Hindi and Modern Indian Languages;

- (viii) Journalism and Mass Communication;
- (ix) Medieval and Modern History;
- (x) Music and Performing Arts;
- (xi) Philosophy;
- (xii) Physical Education;
- (xiii) Political Science;
- (xiv) Psychology;
- (xv) Sanskrit; Pali, Prakrit and Oriental Languages;
- (xvi) Urdu; and
- (xvii) Visual Arts.

(4) The Faculty of Commerce shall consist of the following Departments, namely:—

- (i) Commerce and Business Administration; and
- (ii) Economics.

(5) The Faculty of Law shall consist of the following Department, namely:—
Law.

(6) The Faculty of Medicine shall consist of the following Departments, namely:—

- (i) Anaesthesia;
- (ii) Anatomy;
- (iii) Cardiology;
- (iv) Ear, Nose and Throat;
- (v) Forensic Medicine;
- (vi) Medicine;
- (vii) Microbiology;
- (viii) Obstetrics and Gynaecology;
- (ix) Ophthalmology;
- (x) Orthopaedics;
- (xi) Paediatrics;
- (xii) Pathology and Bacteriology;
- (xiii) Pharmacy;
- (xiv) Pharmacology;
- (xv) Physiology;
- (xvi) Radiology;

(xvii) Social and Preventive Medicine;

(xviii) Surgery; and

(xix) Tuberculosis.

(7) The Faculty of Science shall consist of the following Department, namely:—

(i) Botany;

(ii) Bio-Chemistry;

(iii) Chemistry;

(iv) Defence and Strategic Studies;

(v) Earth and Planetary Sciences;

(vi) Electronics and Communication;

(vii) Home Science;

(viii) Mathematics;

(xi) Physics;

(x) Statistics; and

(xi) Zoology;

(8) Each Department shall be headed by a Head of the Department, whose manner of appointment, term of office and functions shall be prescribed by the Ordinances.

(9) Each Department shall have a Departmental Committee, the constitution, term of office of members and functions whereof shall be prescribed by the Ordinances.

(10) There shall be a Board of Studies for each subject, the constitution, term of office of members and functions whereof shall be prescribed by the Ordinances.

15. (1) There shall be Selection Committees for making recommendation to the Executive Council for appointment to the posts of Professor, Reader, Lecturer, Registrar, Finance Officer, Librarian and Directors of University Institutes and Heads of Independent Centres maintained by the University.

Selection Committees.

(2) The Selection Committee for appointment to the posts specified in column 1 of the Table below shall consist of the Vice-Chancellor, a nominee of the Visitor and the persons specified in the corresponding entry in column 2 of the said Table:

TABLE

1	2
Professor/Reader	<p>(i) The Dean of the Faculty.</p> <p>(ii) The Head of the Department.</p> <p>(iii) Three experts in the concerned subject/field, to be appointed by three Executive Council, out of the panel recommended by the Academic Council. Lecturer</p> <p>(i) The Dean of the Faculty/Head of the Department.</p>

1	2
	(ii) Three experts in the concerned subject/field, to be appointed by the Executive Council, out of panel recommended by the Academic Council.
Registrar/Finance Officer	(i) Two members of the Executive Council nominated by it. (ii) One person not in the service of the University or an institution maintained by, or admitted to, the privileges, of the University, nominated by the Executive Council.
Librarian	(i) Three persons not in the service of the University or an institution maintained by, or admitted to, the privileges of the University, who have the LibraryScience/ Library Administration to be nominated by the Executive Council. (ii) One person not in the service of the University or an institution maintained by, or admitted to, the privileges of the University, nominated by the Executive Council.
Director of University Institute or Head of independent Centre maintained by the University.	Three experts in the concerned subject/field, to be appointed by the Executive Council, out of the panel recommended by the Academic Council.
<i>Note: 1</i>	Where the appointment is being made for an inter-disciplinary project, the head of the project shall be deemed to be the Head of the Department concerned.
<i>Note: 2</i>	In the case of a University Institute, the Director and in the case of an independent Centre, the Head thereof shall be deemed to be the Head of the Department concerned.

(3) The Vice-Chancellor, or in his absence the Pro--Vice-Chancellor, shall convene and preside at the meeting of the Selection Committee:

Provided that the meeting of the Selection Committee shall be fixed after prior consultation with, and subject to the convenience of Visitor's nominee and the experts approved by the Executive Council.

(4) Four members, including at least two experts, must be present to form the quorum for a meeting of the Selection Committee.

(5) The procedure to be followed by the Selection Committee shall be laid down in the Ordinances.

(6) If the Executive Council is unable to accept the recommendations made by the Selection Committee, it shall record its reasons and submit the case to the Visitor for final orders.

(7) Appointments to temporary posts shall be made in the manner indicated below:—

(i) If the temporary vacancy is for duration longer than one academic sessions, it shall be filled on the advice of the Selection Committee in accordance with the procedure indicated in the foregoing clauses:

Provided that if the Vice-Chancellor is satisfied that in the interests of work it is necessary to fill the vacancy, the appointment may be made on a purely temporary basis on the advice of a local Selection Committee referred to in-sub-clause (ii) for a period not exceeding six months.

(ii) If the temporary vacancy is for a period less than a year, an appointment to such vacancy shall be made on the recommendation of a local Selection Committee consisting of the Dean of the Faculty concerned, the Head of the Department and a nominee of the Vice-Chancellor:

Provided that if the same person holds the offices of the Dean and the Head of the Department, the Selection Committee may contain two nominee of the Vice-Chancellor.

(iii) No teacher appointed temporarily on the advice of a local selection Committee shall be continued in service on such temporary employment, unless he is subsequently selected by a regular Selection Committee, for temporary or permanent appointment.

(iv) Where a teacher has been appointed to a Department on the recommendation of a regular Selection Committee on a temporary post, and such post subsequently becomes permanently vacant or another permanent post of the same rank and grade becomes available in the same Department, the Executive Council may appoint such teacher on permanent basis in such Department without further reference to a regular Selection Committee.

16.(1) Notwithstanding anything contained in Statute 15, the Executive Council may invite a person of high academic distinction and professional attainments to accept a post of Professor or any other equivalent academic post in the University, on such terms and conditions as it deems fit and on the person agreeing to do so appoint him to the post.

Special mode of appointment.

(2) The Executive Council may declare a person working in any other University or organisation as teacher of the University for a specified period.

(3) Appointments to Chairs and of Emeritus Professors shall be made by the Executive Council in accordance with the procedure laid down in the Ordinance for such tenure and on such terms and conditions as it deems fit.

(4) The Executive Council may appoint a person selected in accordance with the procedure laid down in Statute 15 for a fixed tenure on such terms and conditions as it deems fit.

17. (1) The academic staff shall consist of teachers and staff employed for imparting instruction or for conducting, or assisting in the conduct of, research.

Academic staff

(2) The manner of appointment of the academic staff, other than teacher, shall be such as may be prescribed by the Ordinance.

18. (1) The qualifications of University recognised teachers shall be such as may be determined by the Ordinances.

Recognition of
teacher

(2) All applications for the recognition of teachers shall be made in such manner as may be laid down by the Regulations made by the Executive Council in that behalf.

(3) The Executive Council may, on a reference from the Vice-Chancellor, withdraw recognition from a teacher:

Provided that the teacher or the college or institution concerned may, within a period of thirty days from the date of the order of withdrawal, appeal against the order to the Visitor whose decision shall be final.

19. (1) Any authority of the University may appoint as many standing or special Committees as it may deem fit, and may appoint to such Committees persons who are not members of such authority.

Committees.

(2) Any Committee appointed under clause (1) may deal with any subject delegated to it subject to subsequent confirmation by the authority appointing it.

20. (1) All the teachers and other academic staff of the University shall, in the absence of any agreement to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations.

Terms and
conditions of
service and code
of conduct of the
teachers, etc.

(2) The emoluments of members of the academic staff shall be such as may be prescribed by the Ordinances.

(3) Every teacher and other member of the academic staff of the University shall be appointed on written contract, the form of which shall be prescribed by the Ordinances.

(4) A copy of every contract referred to in clause (3) shall be deposited with the Registrar.

Terms and
conditions of
service and code
of conduct of
other employees.

21. (1) All the employees of the University, other than the academic staff, shall in the absence of any contract to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations.

(2) The manner of appointment and emoluments of employees, other than the academic staff, shall be such as may be prescribed by the Ordinances.

Seniority list

22. (1) Whenever, in accordance with the Statutes, any person is to hold an office or be a member of an authority of the University by rotation according to seniority, such seniority shall be determined according to the length of continuous service of such person in his grade and in accordance with such other principles as the Executive Council may, from time to time, prescribe.

(2) It shall be the duty of the Registrar to prepare and maintain in respect of each class of persons to whom the provisions of these Statutes apply, a complete and up-to-date seniority list in accordance with the provisions of clauses (1).

(3) If two or more persons have equal length of continuous service in a particular grade or the relative seniority of any person or persons is otherwise in doubt, the Registrar may, on his own motion and shall, at the request of any such person, submit the matter to the Executive Council whose decision thereon shall be final.

(4) The provisions of this Statutes shall not affect the inter se seniority of the employees working in the University before the appointed day.

Removal of
employees of the
University.

23. (1) Where there is an allegation of misconduct against a member of the academic staff or other employee of the University, the Vice-Chancellor, in the case of such member of the academic staff, and the authority competent to appoint (hereinafter referred to as the appointing authority) in the case of other employee may, by order in writing, place such member of the academic staff or other employee, as the case may be, under suspension and shall forthwith report to the Executive Council the circumstances in which the order was made:

Provided that the Executive Council may, if it is of the opinion, that the circumstances of the case do not warrant the suspension of the member of the academic staff, revoke such order.

(2) Notwithstanding anything contained in the terms of the contract of appointment or of any other terms and conditions of service of the employees, the Executive Council in respect of the academic staff, and the appointing authority in respect of other employees, shall have the power to remove such member of the academic staff or other employee, as the case may be, on grounds of misconduct.

(3) Save as aforesaid, the Executive Council, or as the case may be, the appointing authority, shall not be entitled to remove any member of the academic staff or other employee except for a good cause and after giving three months' notice or on payment of three month's salary in *lieu* thereof.

(4) No teacher, member of the academic staff or other employee shall be removed under clause (2) or clause (3) unless he has given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(5) The removal of a member of the academic staff or other employee shall take effect from the date on which the order of removal is made :

Provided that where the teacher, member of the academic staff or other employee is under suspension at the time of his removal, such removal shall take effect from the date on which he was placed under suspension.

(6) Notwithstanding anything contained in the foregoing provisions of this Statutes, a teacher, member of the academic staff or other employee may resign,—

(a) if he is a permanent employee, only after giving three month's notice in writing to the Executive Council or the appointing authority, as the case may be, or by paying three month's salary in *lieu* thereof;

(b) if he is not a permanent employee, only after giving one month's notice in writing to the Executive Council or, as the case may be, the

appointing authority or by paying one month's salary in lieu thereof:

Provided that such resignation shall take effect only on the date on which the resignation is accepted by the Executive Council or the appointing authority, as the case may be.

24. There shall be a Librarian of the University, who shall be appointed by the Executive Council on the recommendations of the Selection Committee constituted for the purpose and shall exercise such powers and perform such duties as may be prescribed by Ordinances.

The Librarian.

25. There shall be a Dean of Research and Development to assist the Vice-Chancellor in the planning and co-ordination of research, development and consultancy and extension services in the University, who shall be appointed from amongst the Professors in the manner prescribed by the Ordinances.

Promotion of research, development and consultancy and extension services.

26. (1) The Executive Council may, on the recommendation of the Academic Council and by a resolution passed by a majority of not less than two-thirds of the members present and voting, make proposals to the Visitor for the conferment of honorary degrees:

Honorary degrees.

Provided that in case of emergency, the Executive Council may, on its own motion, make such proposals.

(2) The Executive Council may, by a resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw with the previous sanction of the Visitor, a any honorary degree conferred by the University.

27. The Executive Council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw a degree or academic distinction conferred on, or any certificate or diploma granted, to any person by the University for good and sufficient cause:

Withdrawal of degrees, etc.

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice why such a resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them, have been considered by the Executive Council.

28. (1) All powers relating to the maintenance of discipline and disciplinary action in relation to the students of the University shall vest in the Vice-Chancellor.

Maintenance of discipline amongst

(2) There shall be a Proctor of the University to assist the Vice-Chancellor in the exercise of the powers referred to in clause (1), who shall be appointed by the Executive Council from amongst the Professors and Readers in the manner prescribed by the Ordinances.

students of the University.

(3) The Vice-Chancellor may delegate all or any of the powers referred to in clause (1), as he deems proper, to the Proctor and such other officers as he may specify in this behalf.

(4) Without prejudice to the generality of the powers referred to in clause (1), the Vice-Chancellor may, in exercise of such powers, by order, direct that any student or students be expelled or rusticated, for a specified period, or be not admitted for a stated period to a course or courses of study in the

University or an institution maintained by or admitted to the privileges of the University, or be punished with fine for an amount to be specified in the order, or be debarred from taking an examination or examinations conducted by the University, for one or more years, or that the results of the student or students concerned in the examination or examinations in which he or they have appeared by cancelled.

(5) The Deans of Faculties, Heads of Departments and Centres, Directors of University Institutes and Constituent Institutes and Principals of University Colleges and Constituent Colleges shall have the authority to exercise all such disciplinary powers over the students in their respective Faculties, Departments, independent Centres, University Institutes, Constituent Institutes, University Colleges and Constituent Colleges, as may be necessary for the proper conduct of the work thereof:

(6) Without prejudice to the powers of Vice-Chancellor and the Deans, Heads, Directors and Principals specified in clause (5), detailed rules of discipline and proper conduct shall be made by the University, and such Deans, Heads, Directors, and Principals may also make such supplementary rules as they deem necessary for the purposes stated therein.

(7) At the time of admission, every student shall be required to sign a declaration to the effect that he submits himself to the disciplinary jurisdiction of the Vice-Chancellor and other authorities of the University.

29. All powers relating to discipline and disciplinary action in relation to students of an institution admitted to the privileges of the University, shall vest in the Director or Principal, as the case may be, of the institution, in accordance with the procedure prescribed by the Ordinances.

30. (1) The Institutes of the University immediately before the commencement of the Act, namely:—

- (i) The Institute of Inter-Disciplinary Studies;
- (ii) The Institute of Professional Studies; and
- (iii) The National Centre of Experimental mineralogy and Petrology,

shall continue as University Institutes and the Centre of Behavioural and Cognitive Sciences shall continue as an independent Centre of the University, and all matters relating thereto shall be provided for by the Ordinances.

(2) The Institute of Correspondence Courses and Continuing Education shall continue as a temporary self-financing University Institute, and all matters relating thereto shall be provided for by the Ordinances.

(3) The manner of establishing University Institutes, Centres and University Colleges maintained by the University and other matters relating to them shall be prescribed by the Ordinances.

(4) The following shall be the University Colleges, namely:—

The Motilal Nehru Medical College and Swarup Rani Nehru Hospital, Allahabad.

(5) The following shall be the Constituent Institutes, namely:—

- (i) The Govind Ballabh Pant Social Science Institute, Allahabad;

Maintenance of discipline among Students of institutions admitted to the privileges of the University
University Institutes, independent Centres, University Colleges and Constituent Institutes.

(ii) The Harish Chandra Research Institute of Mathematics and Mathematical Physics, Allahabad; and

(iii) The Kamala Nehru Post-graduate Medical Institute, Allahabad.

(6) The admission of institutions to the privileges of the University as Constituent Institutes and University Colleges and other matters relating to Constituent Institutes and University Colleges shall be prescribed by the Ordinances.

31. (1) The following shall be the Constituent Colleges, namely:—

Constituent
Colleges.

- (i) Allahabad Degree Colleges, Allahabad;
- (ii) Arya Kanya Degree College, Allahabad;
- (iii) Chaudhary Mahadeo Prasad Degree College, Allahabad;
- (iv) Ewing Christian College, Allahabad;
- (v) Iswar Saran Degree College, Allahabad;
- (vi) Hamidia Girls Degree College, Allahabad;
- (vii) Jagat Taran Girls Degree College, Allahabad;
- (viii) K. P. Training College, Allahabad;
- (ix) Rajarshi Tandon Girls Degree College, Allahabad;
- (x) Sanwal Dass Sadan Lal Khanna Girls Degree College, Allahabad;
and
- (xi) Shyama Prasad Mukherji Government Degree College, Allahabad.

(2) Matters relating to the constitution of the management, the powers of the Vice-Chancellor to issue directions to, and to enforce his orders against, the management, the conditions for the continuance, enlargement and withdrawal of the privileges of Constituent Colleges and the grant to and withdrawal from them of the autonomous status shall be prescribed by the Ordinances:

Provided that every Constituent College shall be required to undergo the process of assessment by a visiting Peer Team of the National Assessment and Accreditation Council, set up under section 12 (ccc) of the University Grants Commission Act, 1956, and accreditation by the said Council within a period of three years from the date of the commencement of the Act.

3 of 1956.

President's Act 10
of 1973.

(3) Where under the provisions of the Uttar Pradesh State Universities Act, 1973 a Constituent College had been granted permission by the predecessor University to impart instruction for a Post-graduate degree other than the degree of Bachelor of Laws or to exercise the privileges of an Autonomous College, such permission shall cease to have effect upon the expiry of the academic year immediately following the academic year during which the Act has commenced or of the period for which such permission had been granted by the predecessor University, whichever is earlier, without prejudice to the right of the Constituent College concerned to apply afresh for such permission in accordance with the provisions of the Statutes and the Ordinances.

(4) There shall be constituted, by Ordinances, a College Development

Council to monitor and promote the academic functioning and development of the Constituent Colleges.

(5) The College Development Council shall be headed by the Dean of College Development, who shall be appointed by the Executive Council from among the Professors of the University in the manner prescribed by the Ordinances.

32. Convocations of the University for the conferring of degrees or for other purposes shall be held in such manner as may be prescribed by the Ordinances.

Convocations

Acting Chairman of meetings.

33. Where no provision is made for a President or Chairman to preside over a meeting of any authority of the University or any Committee of such authority or when the President or Chairman so provided for is absent, the members present shall elect one from among themselves to preside at such meeting.

Resignation

34. Any member, other than an *ex-officio* member, of the Court, the Executive Council, the Academic Council or any other authority of the University or any Committee of such authority may resign by letter addressed to the Registrar and the resignation shall take effect as soon as such letter is received by the Registrar.

Disqualifications.

35. (1) A person shall be disqualified for being chosen as, and for being a member of any of the authorities of the University,—

(i) if he is of unsound mind;

(ii) if he is an undischarged insolvent;

(iii) if he has been convicted by a court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months.

(2) If any question arises as to whether a person is or had been subjected to any of the disqualifications mentioned in clause (1), the question shall be referred to the Visitor and his decision shall be final and no suit or other proceeding shall lie in any civil court against such decision.

Residence condition for membership and office.

36. Notwithstanding anything contained in the Statutes, a person who is not ordinarily resident in India shall not be eligible to be an officer of the University or a member of any authority of the University.

Membership of authorities by virtue of membership of other bodies.

37. Notwithstanding anything contained in the Statutes, person who holds any post in the University or is a member of any authority or body of the University in his capacity as a member of a particular authority or body or as the holder of a particular appointment shall hold such office or membership only for so long as he continues to be a member of that particular authority or body or the holder of that particular appointment, as the case may be.

Registered Graduates

38. The provisions in respect of the registration of graduates and the maintenance of the register of Registered Graduates shall be prescribed by the Ordinances.

Dean and Board of Students Welfare.

39. (1) There shall be a Dean of Students Welfare to co-ordinate the measures for promoting the welfare of the students of the University, who shall be appointed by the Executive Council from among the Professors and Readers of the University in the manner prescribed by the Ordinances.

(2) There shall be constituted in the University, a Board of Students Welfare, the constitution, term of office of members and function whereof shall be prescribed by the Ordinances.

Ordinances, how
made.

40. (1) The first Ordinances made under sub-section (2) of section 29 may be amended, repealed or added to at any time by the Executive Council in the manner specified in the following sub-sections.

(2) No Ordinances in respect of the matters enumerated in sub-section (1) of section 29 shall be made by the Executive Council unless a draft of such Ordinances has been proposed by the Academic Council.

(3) The Executive Council shall not have power to amend any draft of any Ordinance proposed by the Academic Council under clause (2), but may reject the proposal or return the draft to the Academic Council for reconsideration, either in whole or in part, together with any amendment which the Executive Council may suggest.

(4) Where the Executive Council has rejected or returned the draft of an Ordinance proposed by the Academic Council, the Academic Council may consider the question afresh and in case the original draft is reaffirmed by a majority of not less than two-thirds of the members present and voting and more than half the total number of members of the Academic Council, the draft may be sent back to the Executive Council which shall either adopt it or refer it to the Visitor whose decision shall be final.

(5) Every Ordinance made by the Executive Council shall come into effect immediately.

(6) Every Ordinance made by the Executive Council shall be submitted to the Visitor within two weeks from the date of its adoption.

(7) The Visitor shall have the power to direct the University to suspend the operation of any Ordinance.

(8) The Visitor shall inform the Executive Council about his objection to the Ordinance referred to in clause (7) and may, after receiving the comments of the University, either withdraw the order suspending the Ordinance or disallow the Ordinance, and his decision shall be final.

41. (1) The authorities of the University may make Regulations consistent with the Act, the Statutes and Ordinances for the following matters, namely:—

Regulations.

(i) laying down the procedure to be observed at their meetings and the number of members required to form a quorum;

(ii) providing for all matters which are required by the Act, the Statutes or the Ordinances to be prescribed by Regulations;

(iii) providing for all other matters solely concerning such authorities or committees appointed by them and not provided for by the Act, the Statutes or the Ordinances.

(2) Every authority of the University shall make Regulations providing for the giving of the notice to the members of such authority of the dates of meeting and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Executive Council may direct the amendment in such manner as it may specify of any Regulation made under the Statutes or the annulment of any such Regulation.

42. Subject to the provisions of the Act and the Statutes, any officer or authority of the University may delegate his or its powers to any other officer or authority or person under his or its respective control and subject to the condition that overall responsibility for the exercise of the powers so delegated shall continue to vest in the officer or authority delegating such powers.

Delegation of
Powers.